

CITY COUNCIL

Meeting Agenda

**REGULAR MEETING
COUNCIL CHAMBERS**

**MONDAY, AUGUST 27, 2012
7:00P.M.**

The Regular Meetings of City Council are filmed and can be viewed LIVE while the meeting is taking place or at your convenience at any time after the meeting on the City's website at www.ReadingPa.gov, under Info and Downloads/Meetings and Agenda.

All electronic recording devices must be located behind the podium area in Council Chambers and located at the entry door in all other meeting rooms and offices, as per Bill No. 27-2012

1. OPENING MATTERS

A. CALL TO ORDER

B. INVOCATION: Rev. Mike McCabe, Kenhorst Seventh Day Adventists

C. PLEDGE OF ALLEGIANCE

D. ROLL CALL

2. PROCLAMATIONS AND PRESENTATIONS

- Council Commendation recognizing the Latin American Festival
- Council Commendation recognizing the Rose Corp, accepted by Elaine McDevitt CEO and Cynthia Bruno Board of Directors

3. PUBLIC COMMENT – AGENDA MATTERS:

Citizens have the opportunity to address the Council, by registering with the City Clerk by 5 pm on the day of the scheduled Council meeting. All remarks must be directed to Council as a body and not to any individual Council member or public or elected official in attendance. Any person making personally offensive or impertinent remarks or any person becoming unruly while addressing Council may be called to order by the Presiding Officer and may be barred from speaking before Council, unless permission to continue speaking is granted by the majority vote of Council.

All comments by the public shall be made from the speaker's podium. Citizens attending the meeting may not cross into the area beyond the podium. Any materials to be distributed to Council must be given to the City Clerk before the meeting is called to order.

Those commenting on agenda business shall speak at the beginning of the meeting and shall limit their remarks to 5 minutes. Those commenting on general matters shall speak after the legislative business is concluded and shall limit their remarks to 3 minutes. No comments shall be made from any other location except the podium, and anyone making "out of order" comments may be subject to removal. There will be no demonstration at the conclusion of anyone's remarks. Citizens may not ask questions of Council members or other elected or public officials in attendance.

4. APPROVAL OF AGENDA

A. MINUTES: Regular Meeting of August 13, 2012

B. AGENDA: Council meeting of August 27, 2012

5. Consent Agenda Legislation

A. Resolution - Hiring Glenn Raudensky as a Firefighter Trainee **(Fire)**

B. Resolution - Authorizing a conditional offer of employment to George Morar as a police officer for the Reading Police Department, effective August 27, 2012 **(Police)**

C. Award of Contract - for improvements to the Reading Iron Playground for the Departments of Public Works and Community Development to Purcell Construction, 560 N. 5th Street, Denver, PA 17517, at a total submitted bid price of \$121,991.90 (Purchasing)

D. Award of Contract - for improvements to the Lance Place Playground for the Departments of Public Works and Community Development to Spotts Brothers, Inc., 42 Berger Street, Schuylkill Haven, PA 17972, at a total submitted bid price of \$81,700 (Purchasing)

6. ADMINISTRATIVE REPORT

7. REPORT FROM OFFICE OF THE AUDITOR

8. REPORT FROM DEPT. DIRECTORS, BOARDS, AUTHORITIES, & COMMISSIONS

9. ORDINANCES FOR FINAL PASSAGE

A. Bill No. 83-2012 - amending the 2012 General Fund Budget, reallocating funds from the Contingency Fund to the Council Office Codified Ordinance line item **(Council Staff)** *Introduced at the Aug 13 regular meeting*

B. Bill No. 84-2012 - authorizing the City to enter into an Intergovernmental Cooperation Agreement with other municipalities, to participate in the Berks County MS4 Steering Committee for the purpose of meeting the educational requirements of the 2013-2018 MS4 NPDES Permit and other services as may from time to time be deemed necessary, in order to ensure that proper application/annual reports to the Pennsylvania Department of Environmental Protection are accomplished for renewal of MS4 Permit(s) required of the municipality **(Law)** *Introduced at the Aug 13 regular meeting*

C. Bill No. 85-2012 - authorizing the City to enter into a Memorandum of Understanding with the Berks County Conservation District which shall serve as a joint commitment between the signatories to control accelerated erosion and to prevent sediment pollution to the waters of the Commonwealth which may result from the conduct of earth disturbance activities in the City of Reading **(Law)** *Introduced at the Aug 13 regular meeting*

D. Bill No. 86-2012 - amending the Administrative Code, Budget Organization and Content Section by authorizing the Managing Director to temporarily exceed the Position Ordinance under certain conditions **(Man Dir & Council Staff)** *Introduced at the Aug 13 regular meeting*

E. Bill No. 87-2012 - amending the 2012 City of Reading General Fund Budget by authorizing the transfer of funds from the Department of Fire and Rescue Services, Emergency Medical Services Division, Vehicles Line Item and the Department of Fire and Rescue Services, Training Division, Vehicles Line Item to the Department of Fire and Rescue Services, Administration Division, Vehicles Line Item to cover the cost to purchase a staff vehicle **(Fire)** *Introduced at the Aug 13 regular meeting*

10. INTRODUCTION OF NEW ORDINANCES

A. Ordinance - amending the 2012 City of Reading general fund budget by authorizing the transfer of pension savings produced by recalculation of MMO to spending contingency **(Controller)**

B. Ordinance - establishing a three-way stop intersection at North 12th and Walnut Streets in the City of Reading, Pennsylvania **(Law)**

C. Ordinance - establishing two-way traffic on North 12th Street between Walnut and Elm Streets in the City of Reading, Pennsylvania **(Law)**

D. Ordinance - establishing two-way traffic on Walnut Street between North 12th and Birch Streets in the City of Reading, Pennsylvania **(Law)**

E. Ordinance - amending Chapter 11, Housing, of the Codified Ordinances of the City of Reading, by redefining the Failure to Appear for Inspection Language for Property Maintenance Inspections **(Law)**

F. Ordinance - amending the City of Reading's organizational chart to reflect the current organizational structure **(Law)** *To be distributed Monday*

11. RESOLUTIONS

None

Pending Legislation

Resolution – extending the lease between the City and the Reading Phillies **(Law)**
Tabled at the July 9 regular meeting

12. PUBLIC COMMENT – GENERAL MATTERS

13. COUNCIL BUSINESS / COMMENTS

14. COUNCIL MEETING SCHEDULE

Monday, September 3

City Hall closed – Labor Day Holiday

Tuesday, September 4

Nominations & Appointments Committee – Council Office – 4:15 pm

Open Government, Rules and Intergovernmental Relations Committee – Council Office – 5 pm

Housing and Economic Development Committee – Council Office – 5 pm

Monday, September 10

Committee of the Whole – Council Office – 5 pm

Regular Meeting – Council Chambers – 7 pm

15. BAC AND COMMUNITY GROUP MEETING SCHEDULE

Monday, August 27

DID Authority – 645 Penn St 5th Floor – noon

BARTA – BARTA Office – 3 pm

District 7 Crime Watch – Holy Spirit Church – 7 pm

Tuesday, August 28

Housing Authority Workshop – WC Building – 4 pm

Housing Authority – WC Building – 5 pm

Planning Commission – Penn Room – 7 pm

Penns Commons Neighborhood Group – Penns Commons Meeting Room – 7 pm

Tuesday, September 4

Charter Board – Penn Room – 7 pm

Wednesday, September 5

Reading Elderly Housing Crime Watch – Front & Washington Sts – 2:30 pm

Board of Health – Penn Room – 6 pm

District 2 Crime Watch – St Paul's Lutheran Church – 6 pm

Thursday, September 6

Police Civil Service Board – Penn Room – noon

Glenside Community Council – Christ Lutheran Church – 6:30 pm

District 3 Crime Watch – Calvary Baptist Church – 7 pm

Sunday, September 9

College Heights Community Council – Nativity Lutheran Church – 7 pm

Monday, September 10

Fire Civil Service Board – Penn Room – 4 pm

Shade Tree Commission – Planning Conference Room – 6 pm

6th & Amity Neighborhood & Playground Assn – 6th & Amity Fieldhouse – 6:30 pm

**City of Reading City Council
Regular Business Meeting
Monday, August 13, 2012**

Council Vice President Marcia Goodman-Hinnershitz called the meeting to order.

The invocation was given by District 1 Councilor Randy Corcoran.

All present pledged to the flag.

ATTENDANCE

Councilor Corcoran, District 1

Councilor Goodman-Hinnershitz, District 2

Councilor Sterner, District 3

Councilor Marmarou, District 4

Councilor Reed, District 5

Councilor Waltman, District 6

Managing Director C. Snyder

Mayor V. Spencer

City Auditor D. Cituk

City Solicitor C. Younger

City Clerk L. Kelleher

PROCLAMATIONS AND PRESENTATIONS

The following proclamations and commendations were issued:

- Council Commendation recognizing the Reading Area Firefighters Museum accepted by William Rehr
- Mayoral Proclamation recognizing Jorge Gonzalez

State Senator Judy Schwank also issued a State proclamation to Mr. Gonzalez.

PUBLIC COMMENT

Council Vice President Goodman-Hinnershitz announced that nine citizens were registered to address Council on non-agenda matters. She inquired if any Councilor objected to suspending the rule requiring non-agenda comment at the end of the Council meeting. As no one objected, the rule requiring non-agenda comment at the end of the meeting was suspended. Council Vice President Goodman-Hinnershitz reminded the citizens registered to speak about the remaining public speaking rules.

Mike Tancraitor, of Golden Equipment, was not present.

Dave Johnson, of Golden Equipment, was not present.

Dr. Rex D'Augostino, of N 5th St., distributed information on the use of LED lighting to replace incandescent traffic lights. He stated that the replacement of incandescent lights with LED will save electricity costs. He asked the City to reconsider their decision to use LED traffic lights.

Jaime Perez, of the Reading Berks Association of Realtor Board, described a recent settlement which disclosed various unpaid City fees that were unpaid by former property owners, not the person currently selling the property. He expressed the belief that property owners should only be held responsible for the delinquent fees they incurred, not the fees of former owners. He expressed the belief that applying past delinquencies to current owners is a large and unfair burden.

Maryann Ciarlone, of N 5th St., stated that during her meeting with the City's Business Analyst regarding the waiver of inspections for a property the Business Analyst lied to her about two issues. She did not disclose what the issues were. She stated that the conversation was video recorded. She also expressed the belief that the minutes from the last Council meeting and the Housing Committee meeting are an intentional misrepresentation of what she actually said and may be an ethical issue.

Ed Ott, of Muhlenberg St., noted his repeated complaints about the blighted condition of a fire damaged building located in his neighborhood. He stated that this blighted building is creating quality of life problems for the neighborhood. He stated that the building has been sitting vacant and unsecured since the fire over a year ago. He stated that the roof is damaged and the property is infested with rats.

Michael Dugan, of North 12th St., provided photographs showing litter laying in the street after the street sweeper has passed. He noted that the street sweeper does not properly pick up debris and litter. He described his work to sweep up debris before the truck comes through the neighborhood.

Ed Terrell, of Lackawanna St., thanked the Mayor for scheduling a Crime Summit. He questioned the Property Maintenance interpretation of cleanliness and quality of life and questioned Property Maintenance and City Council's knowledge of the ethnicity of the City's neighborhoods. He noted the need for broader consideration about the lives of the City's minority population.

Donald Thomas, no address provided, stated that he believes in the need to maintain properties in Reading but noted the difficulties associated with the Quality of Life Ticketing program.

Harvey Kimball, of Hollenbach St., described the annual block party held in his

neighborhood, which is organized for the children in the neighborhood. He stated that the block parties started in the late 1990's when the neighbors worked together to clear the snow after a large storm. He described his difficulties obtaining a permit for this event, as the regulations are now very different from what they were before. He expressed the belief that there are now too many barriers to holding events like his block party.

APPROVAL OF THE AGENDA & MINUTES

Council Vice President Goodman-Hinnershitz called Council's attention to the agenda for this meeting and the minutes for the July 29th Regular Meeting of Council. She stated that the Administration has asked Council to add a Resolution to the Consent Agenda to dispose of the City's towing records for 2003 and 2004.

Councilor Corcoran moved, seconded by Councilor Reed, to approve the minutes from the July 29th Regular Meeting of Council, this evening's agenda as amended, including the legislation listed under the Consent Agenda heading, as amended.

Consent Agenda

A. Resolution 101-2012 – authorizing the Mayor to execute a Sidewalk Maintenance Agreement (copy attached hereto) between the Commonwealth of Pennsylvania, acting through the Department of Transportation, and the City of Reading for Schuylkill Ave. (OSA) Br. Project (**Law**)

B. Resolution 102-2012 - authorized to execute a Roadway Lighting Agreement (copy attached hereto) between the Commonwealth of Pennsylvania, acting through the Department of Transportation, and the City of Reading for an electrical roadway lighting system for the Schuylkill Ave. Bridge Project (**Law**)

C. Resolution 103-2012 – disposing of 2003 Payroll Registers (**Accounting**)

D. Resolution 106-2012 – disposing of 2003 and 2004 Towing Records (**Accounting**)

ADMINISTRATIVE REPORT

Mayor Spencer highlighted the report distributed to Council today as follows:

- Update on the PILOT/SILOT Program, which resulted in 36 clean-ups and 25,377 volunteer hours to date
- Neighborhood Meeting scheduled for Tuesday, August 14th at Centre Park
- The receipt of a \$1.5M BEDI Grant, with \$750K allocated to Ricktown
- Announcing the final week of the Business Privilege and Per Capita amnesty period

AUDITOR'S REPORT

City Auditor Cituk read the report distributed to Council at the meeting covering the

following:

- Collection of the 2012 Cable Franchise Fee
- 2012 Unemployment Compensation
- Pension Program review
- Update on the new Audit Committee

ORDINANCES FOR FINAL PASSAGE

A. Bill No. 79-2012 - regulating the design, construction, installation and operation of rain barrels in the City of Reading (EAC) *Introduced at the July 23 regular meeting*

Councilor Corcoran moved, seconded by Councilor Reed, to enact Bill No. 79-2012.

Environmental Advisory Council (EAC) Chair David Beane, Esq., provided an overview of the bill and the EAC's research that culminated in this draft, which was reviewed with various internal and external parties. He stated that the concept that the City is requiring all City properties to install rain barrels is incorrect. The EAC recognized that many property owners have installed or want to install rain barrels and that this bill provides guidance on whom to properly install the rain barrels. He noted that there is also not a permit fee associated with this bill.

Councilor Corcoran expressed the belief that this is a well thought out bill and provided a good "green" component with safety features.

Council Vice President Goodman-Hinnershitz thanked the EAC for bringing this legislation forward as a model.

Bill No. No. 79-2012 was enacted by the following vote:

**Yeas: Corcoran, Marmarou, Reed, Sterner, Waltman, Goodman-Hinnershitz,
Vice President - 6
Nays: None -0**

B. Bill No. 80-2012 — accepting a PennVest loan for the Waste Water Treatment Plant Project (Financial Solutions) *Introduced at the July 23 regular meeting*

Councilor Marmarou moved, seconded by Councilor Reed, to enact Bill No. 80-2012.

Bill No. No. 80-2012 was enacted by the following vote:

**Yeas: Corcoran, Marmarou, Reed, Sterner, Waltman, Goodman-Hinnershitz,
Vice President - 6
Nays: None -0**

C. Bill No. 81-2012 – amending the Recreation Commission Agreement with the Reading School District (**Law**) *Introduced at the July 23 regular meeting*

Councilor Corcoran moved, seconded by Councilor Reed, to enact Bill No. 81-2012.

Council Vice President Goodman-Hinnershitz stated that this agreement provides important clarifications on the disposition of the rental fees which are to go to the Rec Commission. She noted that rental fees for the showmobile and the bandshell will be retained by the City. She stated that the amended agreement also clarifies the Reading School District's annual contribution.

Bill No. No. 81-2012 was enacted by the following vote:

**Yeas: Corcoran, Marmarou, Reed, Sterner, Waltman, Goodman-Hinnershitz,
Vice President - 6**

Nays: None -0

D. Bill No. 82-2012 – amending Chapter 11, Housing, of the Codified Ordinances of the City of Reading, by striking inconsistent appeal language relating to disruptive conduct reports and renumbering the remaining sections (**Law**) *Introduced at the July 23 regular meeting*

Councilor Reed moved, seconded by Councilor Corcoran, to enact Bill No. 82-2012.

Councilor Corcoran stated that this amendment clarifies the appeals process for DCR's.

Bill No. No. 82-2012 was enacted by the following vote:

**Yeas: Corcoran, Marmarou, Reed, Sterner, Waltman, Goodman-Hinnershitz,
Vice President - 6**

Nays: None -0

INTRODUCTION OF NEW ORDINANCES

Council Vice President Goodman-Hinnershitz read the following into the record:

A. Ordinance - amending the 2012 General Fund Budget, reallocating funds from the Contingency Fund to the Council Office Codified Ordinance line item (**Council Staff**)

B. Ordinance - authorizing the City to enter into an Intergovernmental Cooperation Agreement with other municipalities, to participate in the Berks County MS4 Steering Committee for the purpose of meeting the educational requirements of the 2013-2018 MS4 NPDES Permit and other services as may from time to time be deemed necessary, in order to ensure that proper application/annual reports to the Pennsylvania Department of Environmental Protection are accomplished for renewal of MS4 Permit(s) required of the municipality (**Law**)

C. Ordinance - authorizing the City to enter into a Memorandum of Understanding with the Berks County Conservation District which shall serve as a joint commitment between the signatories to control accelerated erosion and to prevent sediment pollution to the waters of the Commonwealth which may result from the conduct of earth disturbance activities in the City of Reading (**Law**)

D. Ordinance - amending the Administrative Code, Budget Organization and Content Section by authorizing the Managing Director to temporarily exceed the Position Ordinance under certain conditions (**Man Dir & Council Staff**)

E. Ordinance - amending the 2012 City of Reading General Fund Budget by authorizing the transfer of funds from the Department of Fire and Rescue Services, Emergency Medical Services Division, Vehicles Line Item and the Department of Fire and Rescue Services, Training Division, Vehicles Line Item to the Department of Fire and Rescue Services, Administration Division, Vehicles Line Item to cover the cost to purchase a staff vehicle (**Fire**)

RESOLUTIONS

A. Resolution 104-2012 - asking Republican Senate Majority Leader Dominic Pileggi to move House Bill 1803, which allows 3rd Class City Parking Authorities to hold Administrative appeal hearings, forward to the Senate agenda (**Council Staff**)

Councilor Reed moved, seconded by Councilor Marmarou, to adopt Resolution No. 104-2012.

Council Vice President of Council Goodman-Hinnershitz stated that this resolution was discussed in the Committee of the Whole meeting with Representative Caltagirone and the Parking Authority Executive Director. She stated that the resolution asks the State Senate to move the House Bill forward for a vote.

Councilor Reed stated that if passed by the State Senate, this “may” bill could reduce Police overtime and reduce court costs for the County and State.

Councilor Waltman expressed the belief that parking enforcement has gone too far. He noted the need for the State legislators to give this issue deeper consideration.

Resolution No. 104-2012 was adopted by the following vote:

**Yeas: Corcoran, Marmarou, Reed, Sterner, Waltman, Goodman-Hinnershitz,
Vice President - 6**

Nays: None -0

B. Resolution 105-2012— appointing Thomas Brogan to the Reading Area Water Authority (**Nom & Appts**)

Councilor Marmarou moved, seconded by Councilor Corcoran, to adopt Resolution

No. 105-2012.

Councilors Marmarou and Corcoran noted the great capabilities of this applicant. They noted that Dr. Brogan's family issues are now resolved and he can return to volunteering on this Authority.

Resolution No. 105-2012 was adopted by the following vote:

**Yeas: Corcoran, Marmarou, Reed, Sterner, Waltman, Goodman-Hinnershitz,
Vice President - 6**

Nays: None -0

Pending Legislation

Resolution – extending the lease between the City and the Reading Phillies (**Law**) *Tabled at the July 9 regular meeting*

COUNCIL COMMENT

Councilor Reed noted the success of the Penn Street Posse's landscaping project at the 2nd and Penn Gateway.

Councilor Corcoran stated that he will suggest adding the Muhlenburg Street property to the Blighted Property list. He also noted that the Quality of Life ticketing works to improve the appearance of City's neighborhoods.

Councilor Marmarou described the events that occurred in the College Heights and Northmont areas over the past two weeks. He also described the plan to clean up the Oak Lane area.

Councilor Sterner congratulated those honored with proclamations and commendations tonight. He also thanked those who addressed Council in the Public Comment period.

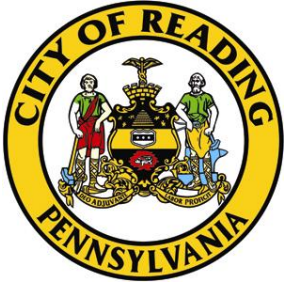
Council Vice President of Council Goodman-Hinnershitz stated that the Fire Museum, located at South 5th and Laurel Streets is quite impressive and encouraged people to tour the facility which keeps the history of firefighting alive. She also thanked the Penn Street Posse for their work and suggested that they next focus attention on the triangle at the foot of the Bingaman Street Bridge in memory of Arlene Rataczak. She noted her agreement with the need to get the Muhlenberg Street property into the blight process.

Council Vice President Goodman-Hinnershitz reviewed the upcoming meeting

schedule.

Councilor Marmarou moved, seconded by Councilor Sterner, to adjourn the regular meeting of Council.

Respectfully submitted by Linda A. Kelleher CMC, City Clerk



AGENDA MEMO

FIRE DEPARTMENT

TO: City Council
FROM: Chief David W Hollinger
PREPARED BY: Chief David W Hollinger
MEETING DATE: August 27, 2012
AGENDA MEMO DATE: August 16, 2012
REQUESTED ACTION: Authorize the Hiring of One Firefighter

RECOMMENDATION

The Mayor and Fire Chief recommend the hiring of the following Civil Service Testing Candidate:

Glenn Raudensky

BACKGROUND

There is a vacancy in the Fire Training Session currently being conducted because of a recruit resignation, due to personal reasons. The above named candidate has completed the written, physical agility and oral examination for the position of Firefighter and is next on the current certified list.

BUDGETARY IMPACT

None, as this is a previously approved position.

PREVIOUS ACTIONS

None

SUBSEQUENT ACTION

Council to take action to approve a resolution to authorize the above named candidate to the position listed.

RECOMMENDED BY

The Mayor and Fire Chief recommend approval.

RECOMMENDED MOTION

Approve/deny the resolution authorizing the hiring of the named individuals to the positions listed.

RESOLUTION NO. ____ 2012

THE COUNCIL OF THE CITY OF READING HEREBY RESOLVES
AS FOLLOWS:

Hiring Glenn Raudensky as a Firefighter Trainee, effective August 16, 2012

Adopted by Council _____, 2012

Francis G. Acosta
President of Council

Attest:

Linda A. Kelleher
City Clerk



AGENDA MEMO

POLICE DEPARTMENT

TO: City Council
FROM: Chief William M. Heim
PREPARED BY: Chief William M. Heim
MEETING DATE: August 27, 2012
AGENDA MEMO DATE: August 21, 2012
REQUESTED ACTION: Authorize the hiring of patrol officer

RECOMMENDATION

The Mayor and Police Chief recommend the hiring of George Morar as a probationary patrol officer:

BACKGROUND

This action is needed to replace an officer who has resigned from the police department. This leaves 168 officers on the force. Morar is one the top three candidates remaining on the current civil service list and is currently in the basic police academy training as a pre-service student.

BUDGETARY IMPACT

None.

PREVIOUS ACTIONS

None

SUBSEQUENT ACTION

Council to take action to approve a resolution to authorize the hiring of George Morar as a police officer.

RECOMMENDED BY

The Mayor and Police Chief recommend approval.

RECOMMENDED MOTION

Approve/deny the resolution authorizing the hiring of George Morar as a police officer. The effective date will August 27, 2012.

R E S O L U T I O N NO. _____ 2012

**THE COUNCIL OF THE CITY OF READING HEREBY RESOLVES AS
FOLLOWS:**

Authorizing a conditional offer of employment to George Morar as a police officer for the Reading Police Department, effective August 27, 2012.

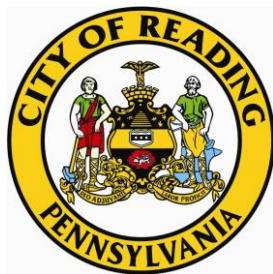
The department's offer of employment is conditional on passing a physical and psychological examination and successfully completing the police academy.

Adopted by Council _____, 2012

Francis G. Acosta
President of Council

Attest:

Linda A. Kelleher CMC
City Clerk



AGENDA MEMO

DEPARTMENT of ADMINISTRATIVE SERVICES

TO: City Council
FROM: Tammi Reinhart, Purchasing Coordinator
PREPARED BY: Tammi Reinhart, Purchasing Coordinator
MEETING DATE: August 27, 2012
AGENDA MEMO DATE: August 22, 2012
RECOMMENDED ACTION: Awarding of Contract for improvements to the Reading Iron Playground for the Departments of Public Works and Community Development.

RECOMMENDATION

The recommendation is to award the contract to Purcell Construction, 560 N. 5th Street, Denver, PA 17517, at a total submitted bid price of \$121,991.90 for various improvements to the Reading Iron Playground for the Departments of Public Works and Community Development. Purcell Construction is the low bidder to meet the specifications.

BACKGROUND

Bids for improvements at the Reading Iron Playground for the Departments of Public Works and Community Development were received on August 3, 2012. The bid award is based on various items which include renovations to the site.

BUDGETARY IMPACT

The Department of Community Development and Accounting have confirmed that funds sufficient for this contract. The funding will be out of CDBG monies.

PREVIOUS ACTION

None

SUBSEQUENT ACTION

Formal action by Council is needed to award the contract at the August 27, 2012 meeting.

RECOMMENDED BY

Mayor, CD Director, Directors of Administrative Services and Public Works, Controller and Purchasing Coordinator.

RECOMMENDED MOTION

Approve/Deny the recommendation for the purchase of the improvements to the Reading Iron Playground in order that the contract may be awarded to Purcell Construction.

cc: File

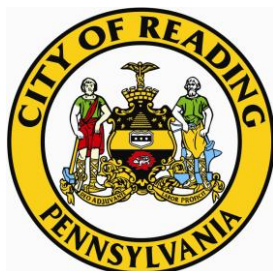
August 21, 2012

To the Mayor
City Hall
Reading, PA

The following bids were opened and scheduled, with a Contract to be awarded or the bids rejected.

**BID NO. 6001-12 FOR THE READING IRON PLAYGROUND IMPROVEMENTS FOR
THE DEPARTMENT OF PUBLIC WORKS, CITY OF READING, PENNSYLVANIA.**

<u>BIDDER</u>	<u>TOTAL BID</u>
Purcell Construction 560 N. 5 th Street Denver, PA 17517	\$121,991.90
Bertolet Construction Corp. 100 South Church Road Wernersville, PA 19565	\$130,283.00
Smith & Smith General Contractors 2250 Mahantongo Street Pottsville, PA 17901	\$134,917.00
Land-Tech Enterprises 3084 B. Bristol Road Warrington, PA 18976	\$147,779.00
Empire Wrecking Co. 1420 Clarion Street Reading, PA 19601	\$149,483.00
TAMMI REINHART Purchasing Coordinator	



AGENDA MEMO

DEPARTMENT of ADMINISTRATIVE SERVICES

TO: City Council
FROM: Tammi Reinhart, Purchasing Coordinator
PREPARED BY: Tammi Reinhart, Purchasing Coordinator
MEETING DATE: August 27, 2012
AGENDA MEMO DATE: August 22, 2012
RECOMMENDED ACTION: Awarding of Contract for improvements to the Lance Place Playground for the Departments of Public Works and Community Development.

RECOMMENDATION

The recommendation is to award the contract to Spotts Brothers, Inc., 42 Berger Street, Schuylkill Haven, PA 17972, at a total submitted bid price of \$81,700 for various improvements to the Reading Iron Playground for the Departments of Public Works and Community Development. Spotts Brothers is the low bidder to meet the specifications.

BACKGROUND

Bids for improvements at the Lance Place Playground for the Departments of Public Works and Community Development were received on August 9, 2012. The bid award is based on various items which include renovations to the site.

BUDGETARY IMPACT

The Department of Community Development and Accounting have confirmed that funds sufficient for this contract. The funding will be out of CDBG monies.

PREVIOUS ACTION

None

SUBSEQUENT ACTION

Formal action by Council is needed to award the contract at the August 27, 2012 meeting.

RECOMMENDED BY

Mayor, CD Director, Directors of Administrative Services and Public Works, Controller and Purchasing Coordinator.

RECOMMENDED MOTION

Approve/Deny the recommendation for the purchase of the improvements to the Lance Place Playground in order that the contract may be awarded to Spotts Brothers, Inc.

cc: File

August 27, 2012

To the Mayor
City Hall
Reading, PA

The following bids were opened and scheduled, with a Contract to be awarded or the bids rejected.

**BID NO. 6002-12 FOR LANCE PLACE PLAYGROUND IMPROVEMENT PROJECT
FOR THE DEPARTMENT OF PUBLIC WORKS, CITY OF READING,
PENNSYLVANIA.**

<u>BIDDER</u>	<u>BID PRICE</u>
Spotts Brothers Inc. 42 Berger Street Schuylkill Have, PA 17972	\$81,700.00
Bertolet Construction Corp. 100 South Church Road Wernersville, PA 19565	\$106,025.00
Land-Tech Enterprises 3084 B. Bristol Road Warrington, PA 18976	\$106,895.00
Purcell Construction 560 N. 5 th Street Denver, PA 17517	\$106,990.00

TAMMI REINHART
Purchasing Coordinator

BILL NO. ____-2012

AN ORDINANCE AMENDING THE 2012 GENERAL FUND BUDGET,
REALLOCATING FUNDS FROM THE CONTINGENCY FUND TO THE
COUNCIL OFFICE CODIFIED ORDINANCE LINE ITEM

Whereas the Council of the City of Reading hereby ordains as follows:

Section 1. Authorizing the amendment of the 2012 Budget by transferring \$10,000 from the Contingency Fund to the Council Office Budget Codified Ordinance line item 01 02 09 4205 to cover the additional cost associated with the re-codification of the City's ordinances.

Section 2. This ordinance shall become effective ten (10) days after its adoption, in accordance with Sections 219 & 221 of the City of Reading Home Rule Charter.

Adopted by Council _____, 2012

President of Council

Attest:

City Clerk

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____

BILL NO. - _____ 2012

AN ORDINANCE AUTHORIZING THE CITY TO ENTER INTO AN INTERGOVERNMENTAL COOPERATION AGREEMENT WITH OTHER MUNICIPALITIES, TO PARTICIPATE IN THE BERKS COUNTY MS4 STEERING COMMITTEE FOR THE PURPOSE OF MEETING THE EDUCATIONAL REQUIREMENTS OF THE 2013-2018 MS4 NPDES PERMIT AND OTHER SERVICES AS MAY FROM TIME TO TIME BE DEEMED NECESSARY, IN ORDER TO ENSURE THAT PROPER APPLICATION/ANNUAL REPORTS TO THE PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL PROTECTION ARE ACCOMPLISHED FOR RENEWAL OF MS4 PERMIT(S) REQUIRED OF THE MUNICIPALITY.

WHEREAS, the First Class Townships, Second Class Townships, Boroughs and Third Class Cities of Pennsylvania, when not inconsistent with state or federal law, are authorized to oversee and regulate trade, commerce and the use of public streets, ways and property within their jurisdictions; and

WHEREAS, the First Class Township, Second Class Township, Borough Codes and Third Class City Codes, as well as the provisions of the Pennsylvania Intergovernmental Cooperation Act, provide for intergovernmental cooperation between and among municipalities of Pennsylvania in the exercise or performance of their respective governmental functions, powers and responsibilities and authorize the adoption of joint agreements as may be deemed appropriate for such purposes; and

WHEREAS, there are currently certain municipalities within Berks County which are participating in the Berks County MS4 Steering Committee, as these municipalities have determined that it is in the best interests of their residents to cooperate in providing required Educational Programming ("Cooperative Educational Program") and other services to assist them in assessing the legal and regulatory requirements and implications to properly submit applications for permits/annual reports under the new MS4 (PAG-13) regulations and, if necessary, compliance with the associated state generated model storm water management ordinance; and

WHEREAS, there are certain municipalities in Berks County, including the City of Reading, which have been invited to join in the Berks County MS4 Steering Committee: and

WHEREAS, the participating municipalities in the Berks County MS4 Steering Committee shall share in the cost of providing a Cooperative Educational Program and for other MS4 services needed to coordinate completion and submission of applications/annual reports in accordance with requirements of the new MS4 permit (PAG-13), annual reports and, if necessary, the associated state generated model storm water management ordinance, to the Pennsylvania Department of Environmental Protection; and

WHEREAS, the City of Reading is authorized to participate in the Berks County MS4 Steering Committee upon the execution of an intergovernmental cooperation agreement and the passage of an ordinance by its governing body under the Pennsylvania Intergovernmental Cooperation Act, Act 177 of 1996 (*53 Pa. C.S.A. Section 2301, et seq.*), as amended (the "Act"); and

WHEREAS, the City Council of the City of Reading has determined that it is in the best interests of its residents to join with other Berks County municipalities in the Berks County MS4 Steering Committee in order to provide a Cooperative Educational Program and other services needed to coordinate completion and submission of applications/annual reports in accordance with requirements of the proposed new MS4 permit (PAG-13) and, if necessary, the associated state generated model storm water management ordinance, to DEP.

THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1. TITLE AND BACKGROUND. The short title of this Ordinance shall be "The Berks County MS4 Steering Committee Ordinance", and the same may be cited in that manner, and the Background of this Ordinance is as set forth above in the WHEREAS clauses, which are incorporated herein by reference.

SECTION 2. PURPOSE. The purpose of this Ordinance is to enable the City of Reading to participate with other Berks County municipalities in the Berks County MS4 Steering Committee to obtain a Cooperative Educational Program and other services needed to coordinate completion and submission of applications/annual reports in accordance with requirements of the proposed new MS4 permit (PAG-13) and, if necessary, the associated state generated model storm water management ordinance, to DEP.

SECTION 3. AUTHORIZATION. The City approves entering into the Berks County MS4 Steering Committee Cost-Sharing and Cooperation Agreement (the "Agreement"), a copy of which is attached hereto and incorporated herein by reference as Exhibit "A" (and which shall be filed with the minutes of the meeting at which this Ordinance was enacted), with the intent and effect that the City shall be bound by the Agreement.

SECTION 4. EXECUTION. The Mayor is hereby authorized and directed on behalf of the City: (i) to execute and deliver the Agreement; and (ii) to execute and deliver such additional instruments, and to take such further actions as may be necessary or appropriate to carry forth the Agreement and the transactions to be effected under the Agreement, including payment of expenses, as may be due from the City under the Agreement.

SECTION 5. RATIFICATION. All actions of any officer, agent or other representative of the City heretofore taken in the pursuit of the Berks County MS4 Steering Committee and/or the City's participation therein are hereby ratified and approved in all respects.

SECTION 6. NECESSARY ACTS. The City is hereby authorized to take such other action as may be necessary or appropriate to carry out the purposes of this Ordinance and of the Agreement.

SECTION 7. PENNSYLVANIA INTERGOVERNMENTAL COOPERATION ACT. This Ordinance is adopted pursuant to the authority granted in the Act and, as required thereby, the following matters are specifically found and determined:

- (a) The conditions of the Agreement are set forth in the Agreement;
- (b) The duration of the Agreement is set forth in the Agreement;
- (c) The purposes, objectives, powers and scope of authority granted and delegated for the Berks County MS4 Steering Committee are as set forth in the WHEREAS clauses of this Ordinance and in the Agreement;
- (d) The manner and extent of financing the Agreement is through, among other things, the payments set forth in Section 6 of the Agreement; provided, however, that if permitted by law, the participating municipalities may approve a revision in fees payable, if warranted, by resolution from time to time;
- (e) The corporate organizational structure comprising the participating municipalities in the Berks County MS4 Steering Committee governing the Agreement is as set forth in the Agreement; and
- (f) All property, real or personal, necessary for the implementation and operation of this Agreement shall be acquired, managed, licensed or disposed of in accordance with the terms of the Agreement; and
- (g) There will be no employees of the Berks County MS4 Steering Committee for purposes of entering into contracts for policies of group insurance and employee benefits.

SECTION 8. REPEAL OF ORDINANCES. All ordinances or parts of ordinances conflicting or inconsistent herewith are hereby repealed.

SECTION 9. SEVERABILITY. Any court determination that a portion of an amended section is unconstitutional or invalid shall not affect the remaining portion of said section or other ordinance sections.

SECTION 10. EFFECTIVE DATE. This Ordinance shall become effective within ten (10) days of the date of passage and approval by the Mayor or override of the Mayor's veto.

Adopted _____, 2012

Council President

Attest:

City Clerk

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____

ORDINANCE - EXHIBIT "A"
COST-SHARING AND COOPERATION AGREEMENT

BERKS COUNTY MS4 STEERING COMMITTEE
COST-SHARING AND COOPERATION AGREEMENT

THIS AGREEMENT, is made by and between the participating municipalities of the Berks County MS4 Steering Committee, as set forth below (the "Participating Municipalities").

BACKGROUND

WHEREAS, the First Class Townships, Second Class Townships, Boroughs and Third Class Cities of Pennsylvania, when not inconsistent with state or federal law, are authorized to oversee and regulate trade, commerce and the use of public streets, ways and property within their jurisdictions; and

WHEREAS, under the recognized corporate powers of the First Class Townships, Second Class Townships, Boroughs, and Third Class Cities, municipalities have the authority to enter into agreements with other municipalities, in accordance with existing laws, for performing governmental powers, duties, functions and maintaining peace, good government, health and welfare of the respective municipalities and their citizenry; and

WHEREAS, the Berks County MS4 Steering Committee (the "Committee") was formed to enable municipalities to share ideas, services and other resources to enable those participating entities to properly complete applications/annual reports to the Pennsylvania Department of Environmental Protection ("DEP") for renewal of MS4 permits (PAG-13) and required reporting under the newly formulated regulations; and

WHEREAS, the Participating Municipalities have determined that it is in the best interests of their residents to participate in such a venture and to cooperate together and enter into this Agreement providing for cost-sharing and cooperation to determine the means by which the Participating Municipalities can best obtain the required information to be included in such applications/annual reports to the DEP for renewal of MS4 permits (PAG-13); and

WHEREAS, the Participating Municipalities recognize that inaction on their part is not an option and that costs in making application individually would in most instances, be greater than those incurred through cooperative cost sharing for an educational program ("Cooperative Educational Program") and **pro-rating costs** for other services among the Participating Municipalities; and

WHEREAS, the Participating Municipalities agree that time is of the essence in completing the aforementioned objectives.

NOW, THEREFORE, in consideration of the above and intending to be legally bound hereby, the Participating Municipalities do agree to the following terms of this Agreement:

1. Each Participating Municipality shall appoint one (1) individual to the Committee to represent their municipality. Each Participating Municipality shall have one (1) vote.
2. Berks County Conservation District ("BCCD") shall be entitled to appoint one (1) individual to represent that agency. The County of Berks ("Berks") shall appoint two (2) individuals; provided, however, that BCCD and Berks shall each only have one (1) vote.
3. Berks County Conservancy ("BCC") shall appoint one (1) individual to the Committee, who shall be a non-voting member.
4. In addition to appointments pursuant to Section 1 above, Municipal and other professional engineers having experience in storm water management may be appointed to the Committee without regard to the total number of such individuals, except that they must be associated with the appointing Participating Municipality. Such individuals shall be non-voting members.
5. If deemed necessary, the Participating Municipalities may engage an attorney to serve as solicitor for the Committee.
6. In order to be a member of the Committee, each Participating Municipality shall pay the aggregate sum of Three Thousand Dollars (\$3,000.00) as follows:
 - (a) One Thousand Dollars (\$1,000.00) on or before January 15, 2013; and
 - (b) Commencing January 15, 2014 and annually thereafter through 2017, the sum of Five Hundred Dollars (\$500.00), provided, however, that in the event DEP or the United States Environmental Protection Agency shall grant time extensions for MS4 Permits that begin March 10, 2013, then the annual \$500.00 payments shall continue until said MS4 Permits are renewed.. All payments due hereunder shall be paid to and made payable to the Berks County Conservation District, which shall collect membership fees and pay for any services required to enable the Committee to conduct its business.
 - (c) If permitted by law, the Participating Municipalities may approve a revision in fees payable, if warranted, by resolution from time to time.

7. A municipality may enter into this Agreement at any time; provided, however that payment of the full Three Thousand Dollar (\$3,000.00) fee is still required and the initial One Thousand Dollar (\$1,000.00) fee and any fees due and payable pursuant to Section 6(b) above prior to the execution of this Agreement shall be paid concurrently with such execution.

8. The Participating Municipalities through the Committee shall cooperate in providing the required Cooperative Education Program and such other services as are necessary to assist them in assessing the legal and regulatory requirements and implications to properly submit applications for permits/annual reports under the new MS4 (PAG-13) regulations and, if necessary, compliance with the associated state generated Model Stormwater Management Ordinance. The Cooperative Education Program shall be developed in accordance with the provisions of Exhibit "A" attached hereto and made a part hereof.

9. Immunity. The services performed and the expenditures incurred under this Agreement shall be deemed for public and governmental purpose, and all immunities from liabilities enjoyed by the Participating Municipalities within their respective boundaries shall extend to their participation in services outside their respective boundaries and within the geographical area served by the Committee.

10. Invalidity. The invalidity, illegality or unconstitutionality of any portion of this Agreement shall not impair or affect the invalidity of this Agreement as a whole or any part thereof.

11. Counterparts. This Agreement may be executed in several counterparts, each of which shall be deemed an original part of the within Agreement and together shall constitute one Agreement.

12. Successors. This Agreement shall be binding upon the parties hereto and their respective successors and assigns.

13. Governing Law. This Agreement shall be governed and construed in accordance with the laws of the Commonwealth of Pennsylvania.

[Signature lines]

AGREEMENT - EXHIBIT "A"
MS4 INTERGOVERNMENTAL COOPERATION
EDUCATIONAL PROGRAM

The Joint Education Program is a five year program intended to consist of a combination of some or all of the following educational offerings. The written program will be submitted by the Berks County MS4 Steering Committee to each participating municipality as part of its September 9, 2012 MS4 permit application. The written program will meet the requirements of the MS4 Permit for Education; MCM #1, MCM#2 and the Municipal Education portion of MCM#6.

Berks County Planning Commission ("BCPC") Educational Offerings:

- Maintain website with MS4 and stormwater information
- Prepare, coordinate and maintain the Joint Educational Program
 - Coordinate Joint Educational Program between BCPC, BCCD and BCC
- Municipal Outreach (elected, appointed and employee)
- School Outreach
- Developer education through subdivision and land development reviews
- Prepare and coordinate an annual Educational Activity Report

Berks County Conservation District Educational Offerings:

- Prepare and present educational programs at Berks County schools (1 hour program)
- Berks County Envirothons - to promote urban watershed education
- Dan Hartman Leadership Conservation School (sponsor scholarship(s) for students to attend and for related programming)
- Workshop and training offerings (municipal, designer and/or engineer as well as a Watershed Roundtable)
- Hand out Informational Fact Sheet with reviews on the topic of stormwater

Berks County Conservancy Educational Offerings:

- Use grant projects as MS4 educational packages for municipalities
- Develop stormwater educational brochure (print ready) for distribution to residents
- Visit school classes to discuss water conservation
- Attend municipal meetings to give presentations on a variety of conservation issues
- Help municipalities plan and execute a "town meeting" to educate residents about water conservation
- Organize and advertise a tree planting project in municipalities (trees are an additional charge, approximately \$30 per tree for mature 6' native trees)

AN ORDINANCE AUTHORIZING THE CITY TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE BERKS COUNTY CONSERVATION DISTRICT WHICH SHALL SERVE AS A JOINT COMMITMENT BETWEEN THE SIGNATORIES TO CONTROL ACCELERATED EROSION AND TO PREVENT SEDIMENT POLLUTION TO THE WATERS OF THE COMMONWEALTH WHICH MAY RESULT FROM THE CONDUCT OF EARTH DISTURBANCE ACTIVITIES IN THE CITY OF READING

THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1. SHORT TITLE. The short title of this Ordinance shall be "The Berks County Conservation District Erosion and Sediment Control Memorandum of Understanding Ordinance."

SECTION 2. PURPOSE. The purpose of this Ordinance is to enable the City of Reading to partner with the Berks County Conservation District to control accelerated erosion and to prevent sediment pollution to the waters of the Commonwealth which may result from conduct of earth disturbance activities in the City of Reading.

SECTION 3. AUTHORIZATION. The City approves entering into Memorandum of Understanding with the Berks County Conservation District (the "MOU"), a copy of which is attached hereto and incorporated herein by reference as Exhibit "A."

SECTION 4. EXECUTION. The Mayor is hereby authorized and directed on behalf of the City: (i) to execute and deliver the MOU; and (ii) to execute and deliver such additional instruments, and to take such further actions as may be necessary or appropriate to carry forth the MOU and the transactions to be effected under the MOU, including payment of expenses, as may be due from the City under the MOU.

SECTION 5. RATIFICATION. All actions of any officer, agent or other representative of the City heretofore taken in the pursuit of the Berks County Conservation District and/or the City's participation therein are hereby ratified and approved in all respects.

SECTION 6. NECESSARY ACTS. The City is hereby authorized to take such other action as may be necessary or appropriate to carry out the purposes of this Ordinance and of the MOU.

SECTION 7. REPEAL OF ORDINANCES. All ordinances or parts of ordinances conflicting or inconsistent herewith are hereby repealed.

SECTION 8. SEVERABILITY. Any court determination that a portion of an amended section is unconstitutional or invalid shall not affect the remaining portion of said section or other ordinance sections.

SECTION 9. EFFECTIVE DATE. This Ordinance shall become effective within ten (10) days of the date of passage and approval by the Mayor or override of the Mayor's veto.

Adopted _____, 2012

Council President

Attest:

City Clerk

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____

EXHIBIT “A”- Memorandum of Understanding

MEMORANDUM OF UNDERSTANDING
Between the
BERKS COUNTY CONSERVATION DISTRICT
and

This Memorandum has been prepared jointly and agreed upon by each party for the following purposes:

To serve as a joint commitment by the signatory parties to control accelerated erosion and to prevent sediment pollution to the Waters of the Commonwealth which may result from the conduct of earth disturbance activities in _____.

- I. In carrying out the intent of this Memorandum, the Berks County Conservation District ("District") shall:
 1. Provide the Municipality with District application packets and promptly notify Municipality of any changes in the plan review fee schedule.
 2. Receive and review all Erosion and Sedimentation Plans (Plan), for earth disturbances 5,000 square feet or greater, as required in accordance with Chapter 102 of the PA Code.
 3. Within ten (10) working days of completion of review, notify the consultant, the applicant, and the municipality of all E&S Plan approvals, deficiencies, and all determinations.
 4. Notify the consultant, the applicant, and the municipality that a Plan submission has been returned based on either the lack of response within the specified time period or the lack of the development of a complete Plan in compliance with PA DEP Chapter 102 Erosion and Sediment Control Rules and Regulations.
 5. Upon request, provide all applicants with the PA DEP Erosion and Sediment Control Program Manual and related forms, worksheets, checklists, etc., necessary to successfully prepare a Plan.
 6. Upon the filing of a complaint by the Municipality and/or a third party, the following will occur:
 - a. The District will inspect the complaint within (10) ten calendar days of their receipt.
 - b. If warranted, the District will provide documentation of the associated findings. The source of the complaint shall remain anonymous in accordance with PA DEP policy.
 7. Serve as the repository for all Plans, complaints, Earth Disturbance Inspection Reports, correspondence, etc., that involve earth disturbance activities within the said Municipality. All such information, except the complaint forms, shall be contained in a filing system which shall be available for inspection by Municipality officials upon request.
 8. Support Municipality with respect to Municipality's MS4 reporting requirements as required to satisfy Minimum Control Measure #4 related to services provided under this Memorandum

08/16/2011

In carrying out the intent of this Memorandum, Municipality shall:

1. Retain a sufficient quantity of the District's application packets and provide such packets to all parties for projects that require a review. The Municipality shall provide instructions to have the Plans (residential, commercial, industrial, timber harvest, etc.) for earth disturbances greater than 5,000 square feet submitted to the District for review per Chapter 102 of the PA Code.
 2. Notify the District within (5) five days of receipt of an application for a project disturbing greater than 1 one acre, pursuant to Chapter 102.42.
 3. Pursuant to Chapter 102.43, **the municipality** shall not issue building or other permit or approval to those proposing or conducting earth disturbance activities requiring a Department permit until the Department or District has issued the E&S or individual NPDES Permit or approved coverage under a general NPDES Permit for Stormwater Discharges Associated with Construction Activities under Chapter 102.5.
 4. Forward all questions pertaining to the preparation of Plans and applications to the District.
 5. Forward all third party complaints about ongoing earth disturbance activities to the District for its inspection.
 6. Not issue final close-out, or grant final release of improvement/E&S escrow till the applicant has submitted a Notice of Termination for all NPDES Permitted activities and received Permit termination correspondence from the District.
- II. This Memorandum of Understanding shall become effective immediately. It shall be reviewed annually, or as the need arises by either or both parties, and may be amended by mutual consent of both parties. This Memorandum of Understanding may be terminated at any time, by either party, following a thirty (30) day written notice to the other party.

FOR _____

By: _____

DATE

Attest: _____

FOR THE BERKS COUNTY CONSERVATION DISTRICT

CHAIRMAN

DATE

08/16/2011

BILL NO. _____ - 2012
AN ORDINANCE

**AMENDING CHAPTER 1, ADMINISTRATION, OF THE CODIFIED
ORDINANCES OF THE CITY OF READING, §1-186. FISCAL PROVISIONS
PART 9 ANNUAL BUDGET, SECTION C BUDGET ORGANIZATION AND
CONTENT SECTION - 2.d. REGARDING THE POSITION ORDINANCE**

THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Amending Chapter 1, Administration, Of the Codified Ordinances Of The City Of Reading, §1-186. Fiscal Provisions Part 9, Section C Budget Organization and Content - 2.d. regarding the Position Ordinance is hereby amended as attached in Exhibit A.

SECTION 2: All relevant ordinances, regulations and policies of the City of Reading, Pennsylvania not amended per the attached shall remain in full force and effect.

SECTION 3: If any section, subsection, sentence or clause of this ordinance is held for any reason to be invalid such decision shall not affect the validity of the remaining portions of the Ordinance.

SECTION 4: This Ordinance shall become effective in ten (10) days after passage.

Enacted _____, 2012

Council President

Attest:

City Clerk

(Council Staff & Managing Director)

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____

EXHIBIT A

CHAPTER 1 - Administration

§1-186. Fiscal Provisions.

9. Annual Budget.

C. Budget Organization and Content.

(1) Section 904. Budget.

The budget shall provide a complete financial plan of all City funds and activities for the ensuing fiscal year in accordance with all generally accepted accounting principles and, except as required by this Charter, shall be in such form as the Mayor deems desirable or the Council may require. In organizing the budget, the Mayor shall utilize the most feasible combination of expenditure classification by fund, organization unit, program, purpose or activity, and object. The budget shall contain, among other things, the following:

A. It shall begin with a general summary of its contents.

B. It shall show in detail all estimated income, indicating the existing and proposed tax levies, as well as other assessments, fees and charges.

C. It shall show all proposed expenditures, including debt service, for the ensuing fiscal year.

D. It shall show the number of proposed employees in every job classification and the proposed salaries of all exempt employees beginning in 2009. [Ord. 3-2009]

E. It shall be so arranged as to show comparative figures for actual and estimated income and expenditures for the current fiscal year and actual income and expenditures of the preceding 4 fiscal years.

F. It shall indicate proposed expenditures during the ensuing fiscal year, detailed by offices, departments and agencies, in terms of their respective work programs and the methods of financing such expenditures.

G. It shall indicate proposed capital expenditures during the ensuing fiscal year, detailed by office, departments and agencies when practicable, and the proposed method of financing each such capital expenditure. The Mayor will include this separate capital program section in the annual Budget and submit to Council with appropriate supporting information as to the necessity for such programs.

H. It shall indicate anticipated net surplus or deficit for the ensuing fiscal year of each utility owned or operated by the City and the proposed method of its disposition; subsidiary budgets for each such utility giving detailed income and expenditure information shall be attached as appendices to the budget.

The total of proposed expenditures shall not exceed the total of estimated income.

(2) The budget shall provide a complete financial plan of all City funds and activities for the ensuing fiscal year in accordance with all generally accepted accounting principles and, except as required by the Charter, shall be in such form as the Mayor deems desirable or the Council may require. (Refer to comment on §901.⁴⁶) In organizing the budget, the Mayor shall utilize the most feasible combination of expenditure classification by fund, organization unit, program, purpose or activity and object. The budget shall contain, among other things, the following:

- (a) It shall begin with a general summary of its contents.
- (b) It shall show in detail all estimated income, indicating the existing and proposed tax levies, as well as other assessments, fees, and charges.
- (c) It shall show all proposed expenditures, including debt service, for the ensuing fiscal year.

(d) It shall include the position ordinance, defined in §1-122, which shows the number of all proposed employees in every job classification, as defined in §1-221, highlighting changes and the proposed salaries of all exempt employees beginning in 2009 (plain italic language required by Bill No. 3-2009 enacted January 26, 2009, and approved by the Mayor January 27, 2009). [Ord. 60-2009]

1. In some cases, however, prudent succession management may call for temporarily exceeding the position allowance in a particular department. Some examples are:

- **a. When there is a known planned retirement of an individual in a highly technical position, smooth operations would call for an extended period of knowledge transfer that would require hiring the replacement individual prior to the retirement.**
- **b. In the case of extended apprenticeships or training periods, such as police, it would make sense to consider the historic rate of attrition when determining the ideal class size. This would provide a more consistent number of trained staff vs. the current system which can produce peaks and valleys.**

Therefore, in order to manage the operations of the City more effectively, City Council may, by ordinance, authorize the Managing Director to exceed the position ordinance for any department with the following conditions:

- a. No departmental position ordinance will be exceeded for a period of time greater than 6 months.**
- b. The temporary addition of employees will not cause the total wages of the City to exceed budgeted levels.**
- c. The Managing Director will report to Council on all planned hires which will exceed any position ordinance and will report on the status of all such hires on a regular basis.**

d. At no time will the total number of City employees exceed the total number of employees authorized under position ordinances by more than 10 employees.

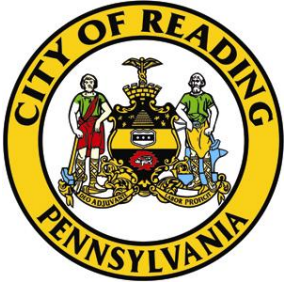
(e) It shall be so arranged as to show comparative figures for actual and estimated income and expenditures for the current fiscal year and actual income and expenditures of the preceding 4 fiscal years.

(f) It shall indicate proposed expenditures during the ensuing fiscal year, detailed by offices, departments, and agencies, in terms of their respective work programs, and the methods of financing such expenditures.

(g) It shall indicate proposed capital expenditures during the ensuing fiscal year, detailed by office, departments and agencies when practical, and the proposed method of financing each such capital expenditure. The Mayor shall include this separate capital program section in the annual budget and submit it to Council with appropriate supporting information as to the necessity for such programs.

(h) It shall indicate anticipated net surplus or deficit for the ensuing fiscal year of each utility owned or operated by the City and the proposed method of its disposition; subsidiary budgets for each such utility giving detailed income and expenditure information shall be attached as appendices to the budget.

The total of proposed expenditures shall not exceed the total of estimated income. The estimated income shall mean the total of estimated revenue plus the prior fiscal year's fund balance. If a deficit exists, a plan to eliminate that deficit must be included in the budget.



AGENDA MEMO

FIRE DEPARTMENT

TO: City Council
FROM: Chief David W Hollinger
PREPARED BY: Chief David W Hollinger
MEETING DATE: August 13, 2012
AGENDA MEMO DATE: August 8, 2012
REQUESTED ACTION: Authorize the Transfer of Funds

RECOMMENDATION

The Fire Chief requests the following transfer of funds within Divisions of the Department of Fire and Rescue Services:

- From the respective Vehicle Line Items of the EMS (\$27,500.00) and Training (\$11,250.00) Divisions, a total of \$38,750.00 to the Vehicle Line Item of the Administration Division. See Budget Action Reports included for referral

BACKGROUND

Early in 2012, an additional Inspector in the Fire Marshal's Office (Fire Prevention) was added to assist in the investigation of fire incidents and to ease the workload of inspections to properties. A spare Department Staff Vehicle, utilized mainly while other staff vehicles were being serviced, was assigned to the Inspector to perform his duties and to respond to emergencies. An additional vehicle was then ordered from KME Ford with the intention that funds budgeted annually would cover payments for a period of four years. This new vehicle would also continue the planned rotation of providing dependable staff vehicles to the department; the aforementioned 'spare vehicle' is more than 15 years old. Difficulty in securing financing through an outside source has caused the necessity of this recommendation.

BUDGETARY IMPACT

None, aside from the transfers during this budget period. Savings overall by eliminating interest fees.

PREVIOUS ACTIONS

None

SUBSEQUENT ACTION

Council to take action to approve an ordinance to authorize the transfer of funds

RECOMMENDED BY

The Fire Chief recommends approval.

RECOMMENDED MOTION

Approve/deny the resolution authorizing the transfer of funds as listed.

BILL No. _____ - 2012
AN ORDINANCE

AN ORDINANCE AMENDING THE 2012 CITY OF READING GENERAL FUND BUDGET BY AUTHORIZING THE TRANSFER OF FUNDS FROM THE DEPARTMENT OF FIRE AND RESCUE SERVICES, EMERGENCY MEDICAL SERVICES DIVISION, VEHICLES LINE ITEM AND THE DEPARTMENT OF FIRE AND RESCUE SERVICES, TRAINING DIVISION, VEHICLES LINE ITEM TO THE DEPARTMENT OF FIRE AND RESCUE SERVICES, ADMINISTRATION DIVISION, VEHICLES LINE ITEM TO COVER THE COST TO PURCHASE A STAFF VEHICLE.

Section 1. Amending the City of Reading 2012 Department of Fire and Rescue Services Budget by authorizing the transfer of a total of \$27,500.00 in the Vehicles line item #01-09-35-4803 and a total of \$11,250.00 in the Vehicles line item #01-09-40-4803 to the Vehicles line item #01-09-32-4803.

Section 2. This Ordinance shall become effective ten (10) days after its adoption, in accordance with Sections 219 & 221 of the City of Reading Home Rule Charter.

Enacted: _____,

2012

President of Council

Attest:

City Clerk

(Fire)

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____



MMO/PENSION

TO: Members of City Council
FROM: Christian F. Zale, City Controller
PREPARED BY: Christian F. Zale, City Controller
MEETING DATE: August 27, 2012
AGENDA MEMO DATE: August 21, 2012
RECOMMENDED ACTION: Police and Fire MMO Pension Modifications

BACKGROUND:

The revised Police and Fire MMO for pension calculation will reduce 2012 pension expense by \$1,348,561. Reason: The salary of the uniform employees in the DROP program should not have been recognized in the MMO calculation. The elimination of this salary reduces the MMO the City needs to contribute.

BUDGETARY IMPACT:

Reduce pension expense and transfer savings to the contingency line item

PREVIOUS ACTION:

None

RECOMMENDED BY:

City Controller

RECOMMENDED MOTION:

Approve the request.

BILL NO. _____ - 2012

AN ORDINANCE

AN ORDINANCE AMENDING THE 2012 CITY OF READING GENERAL FUND BUDGET BY AUTHORIZING THE TRANSFER OF PENSION SAVINGS PRODUCED BY RECALCULATION OF MMO TO SPENDING CONTINGENCY.

THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Amending the City of Reading 2012 Budget by authorizing the transfer of \$1,348,561 from police and fire pension expense to contingency expense.
(See Exhibit A)

SECTION 2. This ordinance shall become effective ten (10) days after its adoption, in accordance with Sections 219 & 221 of the City of Reading Home Rule Charter.

Enacted _____, 2012

President of Council

Attest:

City Clerk

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

	<u>Totals</u>	<u>Totals</u>	
	<u>Approved Budget</u>	<u>Revised Budget</u>	<u>Difference</u>
	8,404,142.00	7,055,581.00	
Police	Pension Breakdown	Pension Breakdown	
(28) Criminal Inv	747,710.22	580,787.52	(166,922.70)
(29) Special Serv	143,790.43	111,689.91	(32,100.52)
(30) Patrol	3,738,551.10	2,903,937.62	(834,613.48)
(31) Admin	86,274.26	67,013.95	(19,260.31)
	4,716,326.00	3,663,429.00	(1,052,897.00)
Fire	Pension Breakdown	Pension Breakdown	
(32) Admin	101,517.55	87,871.52	(13,646.03)
(33) Preventive Education	67,678.37	58,581.02	(9,097.35)
(34) Suppress	1,488,924.12	1,288,782.34	(200,141.78)
(XX) Training	16,919.59	14,645.25	(2,274.34)
(35) EMS	524,507.36	454,002.87	(70,504.49)
	2,199,547.00	1,903,883.00	(295,664.00)
TOTAL SAVINGS			(1,348,561.00)

ORDINANCE NO. _____-2012

AN ORDINANCE ESTABLISHING A THREE-WAY STOP INTERSECTION AT THE NORTH 12TH AND WALNUT STREETS IN THE CITY OF READING, PENNSYLVANIA

THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION ONE. Intersection of North 12th and Walnut Streets is hereby established as a three-way stop intersection.

SECTION TWO. Drivers of all vehicles approaching said intersection shall come to a complete stop when in compliance with a stop sign and not proceed into said intersection until it can be done with safety, as provided in the Pennsylvania Motor Vehicle Code.

SECTION THREE. Any and all ordinances which are contrary to Section One above is/are repealed.

SECTION FOUR. This ordinance shall become effective ten (10) days after its adoption in accordance with Sections 219 and 221 of the City of Reading Home Rule Charter.

Enacted by Council _____, 2012

President of Council

Attest:

City Clerk

ORDINANCE NO. _____-2012

AN ORDINANCE ESTABLISHING TWO-WAY TRAFFIC ON NORTH 12TH STREET BETWEEN WALNUT AND ELM STREETS IN THE CITY OF READING, PENNSYLVANIA.

THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION ONE. Two-way traffic on North 12th Street between Walnut and Elm Streets, Reading, Pennsylvania, is hereby established.

SECTION TWO. Any and all ordinances which are contrary to Section One above is/are repealed.

SECTION THREE. This ordinance shall become effective ten (10) days after its adoption in accordance with Sections 219 and 221 of the City of Reading Home Rule Charter.

Enacted by Council _____, 2012

President of Council

Attest:

City Clerk

ORDINANCE NO. _____-2012

AN ORDINANCE ESTABLISHING TWO-WAY TRAFFIC ON WALNUT STREET BETWEEN NORTH 12TH AND BIRCH STREETS IN THE CITY OF READING, PENNSYLVANIA.

THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION ONE. Two-way traffic on Walnut Street between North 12th and Birch Streets, Reading, Pennsylvania, is hereby established.

SECTION TWO. Any and all ordinances which are contrary to Section One above is/are repealed.

SECTION THREE. This ordinance shall become effective ten (10) days after its adoption in accordance with Sections 219 and 221 of the City of Reading Home Rule Charter.

Enacted by Council _____, 2012

President of Council

Attest:

City Clerk

BILL NO. _____ - 2012

AN ORDINANCE

AMENDING CHAPTER 11, HOUSING, OF THE CODIFIED ORDINANCES OF THE CITY OF READING, BY REDEFINING THE FAILURE TO APPEAR FOR INSPECTION LANGUAGE FOR PROPERTY MAINTENANCE INSPECTIONS.

THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Chapter 11, Housing, of the Codified Ordinances is hereby amended to redefine the Failure to Appear For Inspection language for Property Maintenance inspections as attached as Exhibit A.

SECTION 2: All relevant ordinances, regulations and policies of the City of Reading, Pennsylvania not amended per the attached shall remain in full force and effect.

SECTION 3: If any section, subsection, sentence or clause of this ordinance is held for any reason to be invalid such decision shall not affect the validity of the remaining portions of the Ordinance.

SECTION 4: This Ordinance shall become effective in ten (10) days after passage.

Enacted _____, 2012

Council President

Attest:

City Clerk

Submitted to Mayor: _____
Date: _____

Received by the Mayor's Office: _____
Date: _____

Approved by Mayor: _____
Date: _____

Vetoed by Mayor: _____
Date: _____

EXHIBIT A

CHAPTER 11

HOUSING – RENTAL

PART 1

RENTAL

§11-102. Definitions.

This section is amended to change or add the following definitions:

ACTIVELY MARKETING FOR SALE – occurs only when a “for sale” sign has been placed on the property with accurate contact information and the owner has done at least one of the following:

- 1) engaged the services of a licensee under the act of February 19, 1980 (P.L. 15, No 9), known as the Real Estate Licensing and Registration Act, to place the property in a Multiple Listing Service or otherwise market the property;
- 2) placed weekly or more frequent advertisements in print or electronic media; or
- 3) distributed printed advertisements.

BUSINESS PRIVILEGE LICENSE - a license issued by the City of Reading Tax Division per City of Reading Codified Ordinance Chapter 24, Taxation, Special, Part 5, Business Privilege Tax, authorizing one to perform business including, for purposes of this Part, renting.

BUSINESS PRIVILEGE TAX - the tax payable to the City of Reading, Division of Tax, per City of Reading Codified Ordinance Chapter 24, Taxation, Special, Part 5, Business Privilege Tax, on, for purposes of this Part, the annual gross receipts derived from rental of a property or unit.

CAPACITY TO RENT - any dwelling unit that is fit for habitation by humans as determinable by applicable Building and Property Maintenance Codes [Chapter 5, Part 6], and is not the owner's primary residence and as is permitted by the City of Reading Zoning Ordinance [Chapter 27].

CODES - any State or local code or ordinance adopted, enacted or in effect in and for the City of Reading including, but not limited to, the International/City of Reading Building Code [Chapter

5, Part 1B], Existing Building Code [Chapter 5, Part 1C], Plumbing Code [Chapter 5, Part 2], Mechanical Code [Chapter 5, Part 5], Electrical Code [Chapter 5, Part 4], Fire Code [Chapter 5, Part 3], and Residential Code [Chapter 5, Part 8], and City of Reading Property Maintenance Code [Chapter 5, Part 6], Zoning Ordinance [Chapter 27], Recycling and Solid Waste Ordinance [Chapter 20, Part 1], and general nuisance ordinances.

CODES OFFICIAL - a City of Reading employee or authorized agent sworn to enforce the City of Reading Codes and Codified Ordinances.

DISRUPTIVE CONDUCT - any form of conduct, action, incident or behavior perpetrated, caused or permitted by any occupant or visitor of a rental unit that is so loud, untimely (as to hour of the day), offensive, riotous, or that otherwise disturbs other persons of reasonable sensibility in their peaceful enjoyment of their premises, or causes damage to said premises such that a report is made to a police officer and/or a public officer complaining of such conduct, action, incident, or behavior. It is not necessary that such conduct, action, incident or behavior constitute a criminal offense, nor that criminal charges be filed against any person in order for said person to have perpetrated, caused or permitted the commission of disruptive conduct, as defined herein. Provided,

however, that no disruptive conduct shall be deemed to have occurred unless a public officer or a police officer shall investigate and make a determination that such did occur, and keep written records, including a disruptive conduct report, of such occurrences. The tenant and the owner, operator, responsible agent or manager shall be notified of any such occurrences, in writing.

DISRUPTIVE CONDUCT REPORT - a written report of disruptive conduct on a form to be prescribed therefore to be completed by a police officer or a public officer, as the case may be, who actually investigates an alleged incident of disruptive conduct and which shall be maintained by the Department of Police and Property Maintenance Division.

DWELLING UNIT - a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

HABITABILITY - any rental unit, building or dwelling that is suitable for human habitation and that is sanitary and free of vermin infestation and is in compliance with all City of Reading health and code regulations and Codified Ordinances.

HOTEL UNIT - any room or group of rooms located within a hotel or motel forming a single habitable unit used or intended to be used for living and sleeping only on a transient basis for a period of less than 30 days.

LEASE - see "Rent."

LET - see "Rent."

LOCAL RESPONSIBLE AGENT - a person or agency retained or hired by a property owner to operate rental of a premises including, but not limited to, compliance with City of Reading Codified Ordinances and as a local contact.

MULTIPLE DWELLING UNIT - any dwelling containing two or more dwelling units.

OCCUPANT/TENANT - a person renting or letting a rental unit from the owner thereof.

OWNER - any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the State, County or Municipality as holding

title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

PERSON - any individual, firm, corporation, association, partnership or entity.

PROPERTY MAINTENANCE DIVISION - a division of the City of Reading administration under the Managing Director charged with enforcing the City of Reading Codified Ordinances governing issues including, but not limited to, housing, property maintenance and trades.

PUBLIC OFFICER - anyone authorized to enforce the City of Reading Codified Ordinances.

QUALITY OF LIFE - issues affecting the manner in which one lives or resides and habitability of a premise as governed by the City of Reading Codified Ordinances.

REGISTRATION - filing of an appropriate application and/or registering a property as a rental unit.

RENT - compensation for providing a shelter or lodging for occupation or habitation by humans to reside, monetary or non-monetary.

RENTAL HOUSING PERMIT - A permit issued by the City of Reading Property Maintenance division per the procedure established by this Chapter and the policies created in accordance therewith.

RENTING - the act of permitting a unit to be used to provide a living arrangement for one or more persons not the owner thereof whether or not for compensation.

RENTAL UNIT - a rooming unit or dwelling unit let for rent, a non-owner occupied rooming or dwelling unit, or a dwelling unit occupied by an owner and additional unrelated individuals. A rental unit shall not include a hotel unit. A rental unit includes dwelling units under lease-purchase agreements or long-term (greater than 6 months) agreements of sale.

RESTITUTION - for the purposes of this Part restitution shall be the amount of the fee due for obtaining of the rental registration.

ROOMING HOUSE - a building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one- or two-family dwelling.

ROOMING UNIT - an individual room within a "Rooming House" as said term is defined herein that is suitable for human lodging or occupancy.

SALES AGREEMENT - a contract for the sale of real estate, including a contract for a deed.

STUDENT - an individual who is enrolled or has made application and been accepted at a university, college or trade school and whose primary occupation is as a student or who is on a semester or summer break from studies at a college, university or trade school or any combination of such persons. The term "student" shall apply to both undergraduate and graduate students alike. The residents of a student home share living expenses and may live and cook as a single housekeeping unit but may also only share access to cooking facilities and not live and cook as a single housekeeping unit.

STUDENT HOME - a living arrangement for at least two students to a maximum of three students (as defined in this Part) unrelated by blood, marriage or legal adoption. The term student home shall not include dormitories, fraternity house or sorority house. The term student home shall be used interchangeable with the term student housing.

STUDENT HOUSING - see “student home.”

TWELVE-MONTH PERIOD - for purposes of this Part 12-month period shall be calculated by counting 12 months back from the most recent disruptive conduct report.

VACANT PROPERTY - A residential or mixed use (residential and other permitted use) property shall be deemed to be a "vacant property" if it is a vacant property that is actively marketed for sale, a vacant property for rehabilitation, a vacant property that is a vacation/second residence and a vacant property that is code compliant.

ZONING - City of Reading Zoning Ordinance [Chapter 27].

ZONING PERMIT - A permit issued by the City of Reading Zoning Division per the City of Reading Zoning Ordinance [Chapter 27] authorizing and/or registering a unit as a rental.

§11-103. Rental Housing Permit Required.

No person or entity shall let, rent or cause to be occupied any rental unit, building, dwelling or dwelling unit, nor shall any person operate a rooming house, or let to another for occupancy, any room in a rooming house that provides shelter or lodging for human habitation unless that person first applies for, renews and obtains a Rental Housing Permit issued by the City of Reading Property Maintenance Division per the procedure established by this code and policies created thereunder. Occupancy of a dwelling unit or rooming unit is precluded until a Rental Housing Permit has been issued. Rental housing permits are non-transferrable.

§11-104. Application for a Rental Housing Permit.

1. Applications for a Rental Housing Permit for a dwelling unit or a rooming unit shall be made in writing on forms prepared and provided by the City of Reading Property Maintenance Division and shall be accompanied by payment of the applicable fee and a copy of the Deed. Such forms shall require, but shall not be limited to, the following information and shall be signed and sworn to by the owner of such dwelling unit or rooming unit:

- A. The name(s), business addresses, date of birth and telephone numbers, (business and mobile) of all of the owners of the rental unit or rooming unit. If the owner is a corporation, limited liability company, or partnership, a true and correct copy of the articles of incorporation, certificate of organization, statement of registration or partnership agreement, as applicable, shall be provided in conjunction with a document identifying the officers of the corporation or the partners of the partnership.
- B. The name, business address, date of birth and telephone numbers, (business and mobile), of an authorized local agent and/or property manager.

- C. The owner(s) shall submit as proof of identification a government issued identification card. The proof of identification shall be presented to the Property Maintenance Division with the application. Where the owner is a corporation, limited liability company, or partnership, proof of identification of at least one of the officers of the corporation, the managing member or designated member of the limited liability company, or the managing or general partner of a partnership must be presented by said individual.
- D. The address of the premises at which the dwelling unit or rooming unit is located.
- E. Identification of the rental unit as a dwelling unit or rooming unit.
- F. The number of permitted or allowable dwelling units or rooming units located within the building where the dwelling unit or rooming unit is located.
- G. A copy of zoning permit authorizing the dwelling unit or rooming unit as a residential unit shall be attached. The zoning permit attached shall indicate the authorized number of units. If the dwelling unit or rooming unit has been certified as a nonconforming use per the City of Reading Zoning Ordinance [Chapter 27] and applicable State law, then a copy of the certificate of nonconforming use shall be attached. (See §11-104 subsection 2 for special provisions for properties with a valid "Housing Permit" issued prior to December 31, 2007 but lacking valid zoning permits.)
- H. Proof of a valid contract with a trash hauler licensed by the State for trash removal/collection from the property address including the name, address and telephone number of the trash hauler.
- I. Proof of current participation of the property address in the City of Reading recycling program.
- J. A copy of the written lease form the owner intends to have the occupants/tenants of each permitted dwelling unit or rooming unit to execute with a copy of the addendum required herein attached thereto.
- K. The owner shall furnish with the Application for Rental Housing Permit photographs of the front and rear exterior of the building for which a permit is requested. The photograph of the front exterior of the building shall contain a visible, identifiable address number appearing thereon. If there are changes subsequently made to the floor plan, the owner shall submit a revised floor plan, drawn to scale, with the next application (for re-issue or renewal) submitted after the changes to the floor plan were made and the same shall be accompanied by copies of all valid permits as required for such revisions
- L. A completed tenant listing on a form prepared and provided by the Property Maintenance Division providing the following information of all persons occupying the building for which the permit is sought, including children under 18 years of age, full name, unit, apartment or floor number/designation (where applicable), and term of lease including date of entry and departure. If the owner has reason to believe that such disclosure may jeopardize the personal safety and well-being of a tenant or occupant and provides the Property Maintenance Division with such information and documentation to support such belief as may be reasonably required by the Property Maintenance Division, such disclosure shall not be required. If the unit is not rented at the time of application, the owner shall submit the tenant listing as prescribed above within 30 days of occupancy of the unit and in no event later than the next bi-annual date for such submission as required by this Part.

- M. The date of the last inspection of the premises, building or unit with confirmation thereof by the Property Maintenance Division.
 - N. A place to indicate approval or denial of the application and date thereof as well as and location for print name, signature and title of person approving or denying the application.
2. Special provisions for properties with a valid "Housing Permit" issued prior to December 31, 2007 but lacking valid zoning permits for Multiple Dwelling or Rooming House use.
- A. Any property previously registered with the City of Reading Property Maintenance Division and holding a valid "Housing Permit" issued by the Reading Property Maintenance Division prior to December 31, 2007 and has remained current shall be required to apply to the Zoning Administrator for a zoning permit prior to submitting an Application for a Rental Housing Permit. The Zoning Administrator shall make an initial determination as to whether the subject property is located within a zoning district where multi-family rental use is legally permitted as an allowed use or a use previously approved as a Conditional Use pursuant to subsection D of §27-1203 of the Zoning Ordinance, as amended.
 - (i) If the Zoning Administrator determines that the subject property is located within a zoning district where multi-family rental use is legally permitted in accordance with the foregoing provisions in Subsection A, it will be granted a zoning permit as a legally permitted use under the applicable zoning, subject to subsection B hereunder, and it will be required to comply with all of the provisions of this Chapter and any other applicable chapters as verified upon inspection by the Property Maintenance Division.
 - (ii) If the subject property had a valid "Housing Permit" as of December 31, 2007 but is determined to be located within a zoning district where multi-family rental use is not legally permitted in accordance with the foregoing provisions in Subsection A, it will be granted a zoning permit as a prior "non-conforming use" by the Zoning Administrator within the meaning of subsection B of §27-607 of the Zoning Ordinance and remain eligible for a Rental Housing Permit provided it conforms to the remaining requirements of the City of Reading Codes and Codified Ordinances.
 - B. The Zoning Administrator shall make a secondary determination as to whether the number of dwelling units present exceeds the number of units previously recorded for the premises in City records. A Rental Housing Permit will be denied until the property is modified to comply with the number of units previously recorded.
 - C. A zoning permit issued by the Zoning Administrator in accordance with Sections A and B hereinabove shall satisfy the requirements of §11-104. 1. G. and the issuance of a Rental Housing Permit shall be subject to compliance with the remaining provisions of §11-104. 1.

§11-105. Annual Renewal of Rental Housing Permit.

1. Effective January 2, 2012, each Rental Housing Permit shall be renewed by the registrant on or before the 1st of April in each and every calendar year regardless of when the original permit was issued in the previous year. If the 1st of April falls upon a Saturday, Sunday or holiday the deadline shall be the close of business on the next business day. Renewal of a Rental Housing Permit shall be made upon forms prescribed by the Property Maintenance Division and single copies of the same for each property address shall be made available to property owners at no charge. Submission of annual renewal forms shall be accompanied by payment of the specified renewal fee.
2. Annual Rental Housing Permit Renewal forms shall require the owner, in addition to the information specifically required in other provisions of this Chapter, to provide the following: (a) the name and policy number of the insurer providing liability and extended risk insurance coverage for the premises, (b) disclose and/or confirm the number, name and age of residents of dwelling unit in each building and the number of tenants residing in each dwelling unit, (c) the operational status of fire and smoke alarms, the operational status of fire escapes and emergency exits, if applicable, and (d) any changes or alterations to the interior or exterior structural and/or mechanical components or systems of the building or any individual dwelling unit therein including repairs due to casualty loss, since the date of the issue of the Rental Housing Permit or the last renewal thereof, whichever is later. The Annual Permit Renewal forms shall further require the owner to verify that false statements therein made are subject to the penalties of 18 Pa. C.S. Section 4904 relating to unsworn falsification to authorities.
3. Submission of Annual Renewal Forms after the April 1st deadline shall be subject to a surcharge of Three Hundred Dollars (\$300) per rental unit for each month or fraction thereof following the said deadline. Said fees and surcharges shall constitute a lien upon the real property and the property owner shall be liable for payment of the same, together with attorneys' fees, court costs and receipted costs of collection.
4. Failure to submit an Annual Renewal Form as required herein before July 1st in each and every year may result in the immediate revocation of the Rental Housing Permit.
5. In the event of revocation of the Rental Housing Permit, the property owner must file an Application for Reinstatement upon a form prescribed by the Property Maintenance Division and the filing of said application shall be accompanied by payment of all outstanding fees and surcharges.
6. Notwithstanding the filing of an Application for Reinstatement nothing herein shall prevent the City of Reading from undertaking legal action to enforce any other provision of the City of Reading Codified Ordinances, including action to enjoin any continued occupancy of the property by tenants residing therein and/or action to abate any nuisance, dangerous condition or other threat to the health and safety of the tenants residing therein or the general public.
7. In the event the Rental Housing Permit is revoked for a property that was previously approved for multi-family rental housing but designated a non-conforming use by the Zoning Administrator, failure of the owner to file an Application for Reinstatement of a Rental Housing Permit within six months of the date of revocation of the Rental Housing Permit as provided herein shall, in the absence of any showing of reasonable excuse or good cause, be considered an "abandonment" of such use in accordance with the provisions of §27-607 F and G of the Zoning Ordinance. The burden of proving reasonable excuse or good cause for a failure to file an Application for Reinstatement shall rest solely upon the property owner and the determination of the same can only be made upon a majority vote of City Council.

§11-106. Denial of Application for a Rental Housing Permit.

1. A Rental Housing Permit shall not be issued or renewed to any applicant if said rental unit, building or dwelling is not in compliance with the City of Reading Codified Ordinances including, but not limited to, City of Reading Building Code [Chapter 5, Part 1B], Existing Building Code [Chapter 5, Part 1C], Plumbing Code [Chapter 5, Part 2], Mechanical Code [Chapter 5, Part 5], Electrical Code [Chapter 5, Part 4], Fire Code [Chapter 5, Part 3], and Residential Code [Chapter 5, Part 8], Property Maintenance Code [Chapter 5, Part 6], Solid Waste and Recycling Ordinance [Chapter 20, Part 1], Health Code [Chapter 10, Part 1] and Zoning Ordinance [Chapter 27], or has failed an inspection, is in pending litigation for violations of the aforesaid Codified Ordinances or has been declared uninhabitable and/or condemned by the appropriate authority with jurisdiction.

2. The City may deny an application for a Rental Housing Permit if the applicant (or in the case of a corporate or similar entity, its owners or affiliates) has a demonstrable history on three or more occasions of failing to address cited code violations, including lack of utilities, that present immediate threats to human health and safety within the compliance period specified by the Property Maintenance Division, currently has unresolved codes violations, or has any tax delinquencies.

3. The City of Reading Property Maintenance Division is hereby authorized to placard and condemn a property for which a Rental Housing Permit has not been obtained from the Property Maintenance Division as required by this Part. Such action shall require the immediate vacation of the property or vacation within a specific and reasonable period of time as determined by the Property Maintenance Division in the exercise of its discretion

§11-107. Revocation of a Rental Housing Permit.

1. The City of Reading Property Maintenance Division shall, have the authority to revoke or suspend the Rental Housing Permit of any rental unit, building, rooming house, or dwelling that it determines within the reasonable exercise of its discretion to be uninhabitable by humans, and in noncompliance with the City of Reading Codified Ordinances including, but not limited to, City of Reading Building Code [Chapter 5, Part 1B], Existing Building Code [Chapter 5, Part 1C], Plumbing Code [Chapter 5, Part 2], Mechanical Code [Chapter 5, Part 5], Electrical Code [Chapter 5, Part 4], Fire Code [Chapter 5, Part 3], and Residential Code [Chapter 5, Part 8], Property Maintenance Code [Chapter 5, Part 6], Solid Waste and Recycling Ordinance [Chapter 20, Part 1], Health Code [Chapter 10, Part 1] and Zoning Ordinance [Chapter 27], or has failed an inspection. A Rental Housing Permit may also be revoked if it is determined that the permit was issued upon material misrepresentations, errors or omissions set forth in the application for original issue renewal as applicable.

2. The City may revoke a Rental Housing Permit if the applicant (or in the case of a corporate or similar entity, its owners or affiliates) has a record of chronic codes violations, currently has unresolved codes violations, or has any tax delinquency.

3. A notice of a revocation of a Rental Housing Permit shall set forth the reason for the revocation and shall be provided in writing to the last known owner of record.

§11-108. Transfer of Ownership and Change of Address.

1. It shall be the duty of each owner of a dwelling unit or rooming unit to notify the Property Maintenance Division of any change in ownership of the property by providing a copy of the new deed with a Certificate of Transfer affixed thereto in compliance with the requirements of § 4-303 of Chapter 4 of the City of Reading Codified Ordinances, as amended.
2. A Rental Housing Permit issued hereunder does not attach to the real estate title and does not pass or transfer to any person or entity who acquires ownership of the property upon which the dwelling unit or rooming unit is situated. The prospective new owner of a property upon which rental housing is permitted shall submit a completed application for a new Rental Housing Permit to the Property Maintenance Division no later than 30 days prior to date scheduled for final closing and transfer of title. Said application for a new Rental Housing Permit shall be compliant with the applicable rules set forth in this Chapter and issuance of a new Rental Housing Permit shall be further conditioned upon inspection of the premises by the Property Maintenance Division and a determination of compliance of the premises with the applicable requirements of the City of Reading Codified Ordinances.
3. Any owner of a rental unit governed by this Part who relocates or changes mailing address shall file written notice of the same with the Berks County Assessment Office and the City of Reading Property Maintenance Division within ten (10) days of such relocation or change in mailing address. Failure to provide such notice shall result in the imposition of a \$150 penalty, which shall be payable within 15 days from the date of imposition.
4. The failure of a new owner or prospective new owner to make timely application for a new Rental Housing Permit as provided hereinabove shall result in the imposition of non-compliance surcharge of \$1,000 per unit to the application fee. In addition, written notice of non-compliance shall be mailed to the new owner by first class and certified mail, return receipt requested, as well as by posting written notice in the form of a placard on the front entrance of the subject property. Said notice of non-compliance shall advise the owner of the non-compliance surcharge and the requirement to submit the Rental Housing Permit application within 15 day from the date of the date of mailing and posting. Failure to submit a complete application within the prescribed time shall result in the assessment of a continuing non-compliance surcharge of \$300 per unit per month or portion thereof until such time as a complete application for a required Rental Housing Permit is received by the Property Maintenance Division. Said surcharges shall constitute a lien upon the real property and the property owner shall be liable for payment of the same, together with attorneys' fees, court costs and receipted costs of collection.
5. Upon payment of the fees and surcharges set forth in subsection 4 above, a property owner may make written request to the Director of the Department of Community Development for: (a) review of any fees or surcharges (including the calculation thereof) imposed upon a finding of non-compliance, or (b) for a separate administrative hearing to challenge or dispute a finding of non-compliance and/or the calculation of any fees or surcharges imposed as a result thereof. The Director of the Department of Community Development or his designee shall conduct any requested review of fees and surcharges. In the event an administrative hearing is requested the request shall be accompanied by a deposit of \$500 as security for the payment of costs in the event findings and calculations by the Property Maintenance Division is affirmed. The administrative hearing shall be conducted by one of the independent hearing officers separately appointed by City Council to conduct hearings for conditional use applications in rental housing matters. The assignment of an independent hearing officer in response to the request shall be made by the City Clerk. The property owner will be notified in writing of the administrative hearing date, which shall be within 30 days of the request, and a written statement of findings of facts and conclusions of law shall be issued by the hearing officer within 15 days of

said proceeding. The unexcused failure of the owner to appear for said hearing will result in the denial and dismissal of the challenge or dispute. The cost of the administrative hearing shall be borne by the City in the event the findings and calculations by City personnel are not fully affirmed.

§11-109. Inspection.

1. Initial Inspection.

- A. If an initial application inspection is required pursuant to the provisions of this Chapter upon receipt of a fully completed application for a Rental Housing Permit and receipt of payment of the applicable fee the Property Maintenance Division shall within 10 days of said receipt schedule an exterior and interior inspection of the dwelling unit or rooming unit to be performed no later than 30 days from said receipt to determine if the dwelling unit or rooming unit is compliant with the applicable City of Reading Codes and Codified Ordinances. If the City inspector performing the inspection determines that the dwelling unit or rooming unit complies with the applicable City of Reading Codes and Codified Ordinances, the inspector shall so advise the owner and report the same in writing to the City of Reading Property Maintenance Division. Upon receipt of such written report of compliance and a determination that all other requirements have been met the Property Maintenance Division shall issue the Rental Housing Permit.
- B. In the event the City's inspector determines that the dwelling unit or rooming unit is in violation of one or more of the applicable provisions of the City of Reading Codes and Codified Ordinances, the Property Maintenance Division shall be instructed not to issue the Rental Housing Permit. Additionally, the City Official shall issue a notice of violation as provided in the appropriate Code. Further, if the violation is not corrected within the time frame established on the notice of violation the City Official shall commence the appropriate legal proceedings as permitted by the applicable Code. The owner shall notify the Property Maintenance Division of correction, remediation and/or abatement of the violation. Within 10 days of receipt of said notification from the owner, the Property Maintenance Division shall schedule a re-inspection of the dwelling unit or rooming unit to determine if the violations set forth in the notice of violation have been remedied, corrected and/or abated. If the Codes Official determines that the violations have been remedied, corrected and/or abated in accordance with the applicable City of Reading Codes and Codified Ordinances, the Code Official shall so advise the owner and Property Maintenance Division and in so doing authorize issuance of the Rental Housing Permit. Occupancy of the dwelling unit or rooming unit is prohibited until a Rental Housing Permit is issued.

2. Renewal Inspections

- A. An inspection of a rental unit as defined in this Chapter shall be performed by Property Maintenance Division if necessitated by reported changes to a rental unit on the Annual Rental Housing Permit Renewal form or, in the absence of reported changes, on a revolving basis not less than every 2 years nor more than 5 years from the date of last inspection pursuant to the City of Reading Rental Property Inspection Program.
- B. If the Property Maintenance Division Official performing the inspection determines that the dwelling unit or rooming unit complies with the applicable City of Reading Codes and Codified Ordinances, the Official shall so advise the owner, make the appropriate entry in

the official records for the said property maintained by the Property Maintenance Division and issue an official certificate of compliance.

- C. In the event the Property Maintenance Division Official performing the inspection determines that the dwelling unit or rooming unit is in violation of the applicable City of Reading Codes and Codified Ordinances, the Property Maintenance Division shall withhold the renewal of the Rental Housing Permit until the violations are corrected and the property is determined to be in compliance with the applicable Codes and Codified Ordinances. In addition, the City Official shall issue a Notice of Violation as provided for in the applicable provision of the Code and Codified Ordinances. Failure of the property owner to correct the specified violations within the time frame established on the Notice of Violation shall result in the revocation of the Rental Housing Permit and an authorized City Official shall commence the appropriate legal proceedings to enforce the applicable Code and Codified Ordinances including but not limited to action to vacate the dwelling unit or rooming unit as operation thereof is prohibited without a valid Rental Housing Permit. Nothing herein shall prevent the City from taking any other action authorized by §11-122 of this Chapter. In the event the property is vacated as a result of an order from the City Official it shall remain vacated until the Codes Official determines that the violations have remedied, corrected and/or abated. The owner shall notify the Property Maintenance Division of correction, remediation and/or abatement of the violation. Within 10 days of receipt of said notification from the owner, the Property Maintenance Division shall schedule a re-inspection of the dwelling unit or rooming unit to determine if the violations set forth in the notice of violation have been remedied, corrected and/or abated. If the Codes Official determines that the violations have been remedied, corrected and/or abated in accordance with the applicable City of Reading Codes and Codified Ordinances, the Code Official shall so advise the owner and Property Maintenance Division and in so doing authorize issuance of the Rental Housing Permit.

3. **Routine Inspection.** The Property Maintenance Division shall perform routine inspections on all dwelling units and rooming units subject to the provisions of the applicable City of Reading Codes and Codified Ordinances.

4. **Complaint Inspections.** Nothing in this Part shall preclude the Property Maintenance Division/Code Official from performing an inspection upon receipt of a complaint of violation of the City of Reading Codes and Codified Ordinances existing at the dwelling unit or rooming unit. Said inspections shall be in accord with the applicable Codes and Ordinances and regulations and policies established by the City of Reading Property Maintenance Division. A complaint of violation shall include but not be limited to a violation of a City of Reading Code or Ordinance, e.g., Property Maintenance Code [Chapter 5, Part 6] and/or disruptive conduct report.

5. **Search Warrant.** If any owner, occupant or other person in charge of a structure subject to the provisions of this Part refuses, impedes, inhibits, interferes with, restricts or obstructs entry and free access to every part of the structure or premises where inspection authorized by this Part is sought, the administrative authority, Property Maintenance Division, shall promptly apply for an administrative search or inspection warrant to a court of competent jurisdiction and shall supply all necessary affidavits and testimony to indicate that there is a reasonable or probable cause to conduct an inspection.

6. **Notice.** All notices scheduling an inspection shall be mailed via regular mail to the owner of record with a copy mailed via regular mail to the local responsible agent.

- 7. Failure to Appear for Inspection.** If the owner or authorized agent cannot be available at the proposed time, said owner or authorized agent, shall provide no less than 24-hour written notice to the Property Maintenance Division. Upon failure to give such written notice or upon failure to gain entry, an administrative fee of \$150 will be assessed against the owner failing to supply

written notice or appear. If the property owner or authorized agent fails to appear for the second scheduled inspection an administrative fee of \$250 will be assessed against the property owner. If the property owner or authorized agent fails to appear for ~~the a~~ third scheduled inspection *or any combination of scheduled inspections, cancellations or failure to gain entry*, the Property Maintenance Division shall assess an administrative fee of \$400 and may placard the subject property and/or promptly seek an administrative search or inspection warrant from a court of competent jurisdiction by supplying all necessary affidavits and testimony in support thereof.

§11-110. Rental Housing Permit.

Upon compliance by the owner of the dwelling unit or rooming unit of the requirements of this Part, the City of Reading Property Maintenance Division shall issue a Rental Housing Permit on an official form containing the letterhead of the City of Reading Property Maintenance Division and a facsimile of the Official Seal which shall include but not be limited to the following:

- A. Name, mailing address and telephone number (business and mobile) of owner.
- B. Name, mailing address and telephone numbers (business and mobile) of local authorized agent.
- C. Number of dwelling units-permitted
- D. Date of last application inspection.
- E. Date of last inspection.
- F. A place for date and initials of Code Official indicating performance of a routine or complaint inspection and whether or not violations were found.
- G. Date of issuance of permit.
- H. Date of required renewal of permit.
- I. Printed name of person issuing permit.

§11-111. Posting of the Rental Housing Permit.

The Rental Housing Permit or an identical, clear and legible photocopy thereof shall be conspicuously posted and maintained in the front entryway, vestibule or other main entrance area of the dwelling unit or rooming unit so that the same is visible and observable from outside the building at the front of the property by City Code, Property Maintenance Division, or emergency personnel.

§11-112. Reserved.

§11-113 Occupation of Premises Without Rental Housing Permit.

1. **Prohibition.** It shall be unlawful for the owner of any dwelling unit or rooming unit or any agent thereof to allow, rent, lease or let or otherwise permit occupancy of any dwelling unit or rooming unit by another or to represent to the general public that such dwelling unit or rooming unit is for rent, lease, let or occupancy unless a current Rental Housing Permit is obtained for such dwelling unit or rooming unit.

2. **Surcharge.** In the event an authorized City official determines that a dwelling or rooming unit is being occupied unlawfully under this Chapter a non-compliance surcharge of \$1,000 per unit shall be imposed to the application fee and written notice of non-compliance shall be mailed to the owner by first class and certified mail, return receipt requested, as well as by posting written notice in the form of a placard on the front entrance of the subject property. Said notice of non-compliance shall advise the owner of the non-compliance surcharge and the requirement to submit the Rental Housing Permit application within 15 days from the date of the date of mailing and posting. Failure to submit a complete application within the prescribed time shall result in the assessment of a continuing non-compliance surcharge of \$300 per unit per month or portion thereof until such time as a complete application for a required Rental Housing Permit is received by the Property Maintenance Division. Said surcharges shall constitute a lien upon the real property and the property owner shall be liable for payment of the same, together with attorneys' fees, court costs and receipted costs of collection.

3. **Review and Hearing.** Upon payment of the fees and surcharges set forth in subsection 2 above, a property owner may make written request to the Director of the Department of Community Development for: (a) review of any fees or surcharges (including the calculation thereof) imposed upon a finding of non-compliance, or (b) for a separate administrative hearing to challenge or dispute a finding of non-compliance and/or the calculation of any fees or surcharges imposed as a result thereof. The Director of the Department of Community Development or his designee shall conduct any requested review of fees and surcharges. In the event an administrative hearing is requested the request shall be accompanied by a deposit of \$500 as security for the payment of costs in the event findings and calculations by the Property Maintenance Division is affirmed. The administrative hearing shall be conducted by one of the independent hearing officers separately appointed by City Council to conduct hearings for conditional use applications in rental housing matters. The assignment of an independent hearing officer in response to the request shall be made by the City Clerk. The property owner will be notified in writing of the administrative hearing date, which shall be within 30 days of the request, and a written statement of findings of facts and conclusions of law shall be issued by the hearing officer within 15 days of said proceeding. The unexcused failure of the owner to appear for said hearing will result in the denial and dismissal of the challenge or dispute. The cost of the administrative hearing shall be borne by the City in the event the findings and calculations by City personnel are not fully affirmed.

§11-114 Owner and Occupant Duties.

1. Owner's Duties.

A. It shall be the duty of every owner and operator, authorized agent or manager to keep and maintain all rental units in compliance with all applicable codes and provisions of all applicable State laws and regulations and local ordinances, and to keep such property in good and safe condition and to be aware of, and to act to eliminate disruptive conduct in such rental units.

- B. It shall be unlawful for any person or entity to conduct or operate or cause to be rented either as owner, operator, responsible agent or manager any rental unit within the City of Reading without a valid and current Rental Housing Permit.
- C. It shall be the responsibility of every owner, operator, authorized agent or manager to employ policies and manage the rental units under his/her control in compliance with the provisions of this Chapter, the City Codes and Codified Ordinances and applicable State laws.

2. Tenant/Occupant Duties

- A. The occupant(s) shall comply with all obligations imposed unto by this Part and by the City of Reading Codified Ordinances including, but not limited to, Chapter 2, Animals, Chapter 3, Bicycles, Chapter 5, Code Enforcement, Part 6, Property Maintenance Code, Chapter 6, Conduct, Chapter 10, Health and Safety, Chapter 15, Motor Vehicles and Traffic, Chapter 20, Solid Waste, and Chapter 21, Streets and Sidewalks, as well as all State laws and regulations.
- B. The occupant(s) shall conduct themselves and require other persons including, but not limited to, guests on the premises and within their rental unit with their consent, to conduct themselves in a manner that will not disturb the peaceful enjoyment of the premises by others and that will not disturb the peaceful enjoyment of adjacent or nearby dwellings by people occupying the same.
- C. The occupant(s) shall not engage in, nor tolerate, nor permit others on the premise to cause damage to the rental unit or engage in disruptive conduct, or other violations of this Part, City Codes or applicable State laws.
- D. Police officers or public officers shall investigate alleged incidents of disruptive conduct. They shall complete a disruptive conduct report upon a finding that the reported incident constitutes disruptive conduct as defined herein. The information filed in said report shall include, if possible, the identity of the alleged perpetrators of the disruptive conduct and all other obtainable information, including the factual basis for the disruptive conduct described on the prescribed.

§11-115. Owners Jointly and Severally Responsible.

If any regulated dwelling unit or rooming unit is owned by more than one person, in any form of joint tenancy, as a partnership, corporation or otherwise, each person shall be jointly and severally responsible for the duties imposed under the terms of this Part and shall be severally subject to prosecution for the violation of this Part.

§11-116 - Fees for Rental Housing Permits, Surcharges and Administrative Fees

1. Fee Schedule

Fees required for an application for, and annual renewal of, a Rental Housing Permit, as well as inspection-related and other applicable fees shall be established by City Council and included on the City's fee schedule.

2. Waiver of Fees

The permit fees established in subsection (1) above shall be waived if the owner or operator, or the spouse, son, daughter, mother, father, sister or brother of the owner or operator, occupy the units.

3. Prosecution of Violation.

Notwithstanding the above, nothing will prevent the Property Maintenance Division from commencing a summary offense criminal action via the issuance of a non-traffic citation for sections of Chapter 11 in accord with the Pennsylvania Rules of Criminal Procedure in the court of appropriate jurisdiction and the violations shall be deemed a strict liability offense.

§11-117 - Vacant Property Registration

1. A property that is a "vacant property" as defined in §11-102 herein shall be registered by the property owner or authorized agent with the City of Reading Property Maintenance Division on a Vacant Property Registration form prescribed by the Property Maintenance Division.
2. The registration of a vacant property with the Property Maintenance Division shall be required within 10 days of the subject property becoming a "vacant property" as provided herein and shall be accompanied by the payment of the applicable registration fee.
3. Each and every property registered as vacant property pursuant to the provisions herein shall be subject to inspection and verification by the Property Maintenance Division at any time during the original registration period or during any period of renewal thereof.

4. Vacant property registrations shall be valid for a period of one year and are required to be renewed on or before the end of the year on a form prescribed by the Property Maintenance Division. Payment of the applicable registration renewal fee as per the City of Reading Fee Schedule shall be required at the time of renewal.

5. Any change in the structural condition or integrity of a vacant property shall be reported in writing to the Property Maintenance Division within 7 days of such change.

6. Nothing herein shall prohibit a property owner from voluntarily registering a property as a vacant property prior to the expiration of 90 day-period of non-occupancy.

7. Failure to register a property as vacant as defined herein will render said property as an illegal unit and subject to the same penalties as outlined in §11-113 Occupation of Premises Without Rental Housing Permit.

§11-118 Tenant Information.

1. In addition to supplying information of the tenants of the dwelling unit or rooming unit on the initial or renewal application for a Rental Housing Permit the owner, on or before April 1 and September 1 of each year, shall provide to the City of Reading Property Maintenance Division on a form prepared and provided by said Division information of all tenants or other persons, including children under 18 years of age, occupying the dwelling unit or rooming room for which they are required to have a Rental Housing Permit, the full name, unit, floor or

apartment number/designation and term of lease, date of entry and anticipated departure date. Landlord shall further indicate on said form if the dwelling unit or rooming unit is student housing and if said tenants are students.

2. The owner shall notify the City of Reading Property Maintenance Division of changes in the tenant listing within 10 days of such change by submitting an updated tenant listing on the form prepared and provided by the Property Maintenance Division. In so doing, the owner shall notify the City of the name of the person who is no longer residing at the dwelling unit or rooming unit.

3. If the owner has reason to believe that such disclosure may jeopardize the personal safety and well-being of a tenant or occupant and provides the Property Maintenance Division with such information and documentation to support such belief as may be reasonably required by the Property Maintenance Division, such disclosure shall not be required.

4. Failure to provide the required information or failure to update such information as required by this Part are hereby made subject to the penalties set forth in this Part.

§11-119. Official Notices.

All official notices, excluding notice of inspection, including, but not limited to, notices of violation relating to a dwelling unit or rooming unit shall be mailed to or personally served on the owner with a copy to the registered, authorized agent. All official notices, excluding notice of inspection which shall be in the manner set forth herein, shall be by first class mail to the address of record of the owner and registered, authorized agent and posting of the dwelling unit or rooming unit. The address of record of the owner shall be that provided to the Property Maintenance Division and in the absence of the same the address provided by the County of Berks. Any owner change of address must be performed through the County of Berks Assessment Office. The address of record of the authorized agent shall be that provided by the owner on the most recent permit application. It is the responsibility of the owner to change the address thereof or the identity or address of the authorized agent per the requirements hereof. There shall be a rebuttable presumption that any notice required to be given under this Part shall have been received by owner and/or local responsible agent if the notice was given in the manner provided. A claim of lack of knowledge by the owner of any violation hereunder or City of Reading Codes shall not be a defense to license nonrenewal, suspension or revocation proceedings as long as all notices prerequisite to institution of such action were given and deemed received in accord with the applicable provisions of this Part.

§11-120. Placarding and Condemnation

The City of Reading Property Maintenance Division is hereby authorized to placard and condemn thereby requiring the immediate vacation, or within the discretion of the Property Maintenance Division, vacation within a specific and reasonable amount of time for vacation of a property that is being rented and for which a Rental Housing Permit has not been obtained or for which an inspection has not been performed or completed by the Property Maintenance Division as required by Section 109 of this Chapter.

§11-121. Disruptive Conduct.

1. **Investigation and Report of Disruptive Conduct.** Police officers or public officers shall investigate alleged incidents of disruptive conduct. They shall complete a Disruptive Conduct Report upon a finding that the reported incident constitutes disruptive conduct as defined herein. The information filed in said report shall include, if possible, the identity of the alleged perpetrators of the disruptive conduct and all other obtainable information, including the factual basis for the disruptive conduct described on the prescribed form. A copy of the Disruptive Conduct Report shall be given or mailed to the occupant and mailed to the owner within 10 working days of the occurrence of the alleged disruptive conduct.
2. **Appeals.** ~~The occupant and/or owner shall have 10 working days from the date of receipt of a Disruptive Conduct Report to appeal the contents of said Disruptive Conduct Report. The appeal shall be made in writing and submitted to the Administrator of the Property Maintenance Division. An appeal of the second disruptive conduct report within a 12-month period shall stop the eviction proceedings against the occupants until the appeal is resolved, only if the eviction proceedings were a direct result of the second Disruptive Conduct Report.~~ *Eviction. After two disruptive conduct incidents in any 12-month period by an occupant documented by Disruptive Conduct Reports, the owner shall have 10 working days from the date of the written notice to begin eviction proceedings against the occupant(s) and pursue the same through any appeal to the Berks County Court of Common Pleas if reasonably requested by the Property Maintenance Division. This subsection is not intended to limit or inhibit the owner's right to initiate eviction action.*
3. **Eviction.** ~~After two disruptive conduct incidents in any 12-month period by an occupant documented by Disruptive Conduct Reports, the owner shall have 10 working days from the date of the written notice to begin eviction proceedings against the occupant(s) and pursue the same through any appeal to the Berks County Court of Common Pleas if reasonably requested by the Property Maintenance Division. This subsection is not intended to limit or inhibit the owner's right to initiate eviction action.~~ *Suspension or Revocation of Rental Housing Permit. Failure of an owner or local authorized agent to take action required in subsection (3) above will result in the commencement of the process to suspend a Rental Housing Permit in accordance with per the process established herein, notwithstanding any other requirements therefore.*
4. **Suspension or Revocation of Rental Housing Permit.** ~~Failure of an owner or local authorized agent to take action required in subsection (3) above will result in the commencement of the process to suspend a Rental Housing Permit in accordance with per the process established herein, notwithstanding any other requirements therefore. .~~ *Reinstatement of Rental Housing Permit. The rental unit involved shall not have its Rental Housing Permit reinstated until the applicable reinstatement fee is paid and the disruptive occupants have been evicted, the Housing Board of Appeals has ruled in the occupant's favor, the Housing Board of Appeals has ruled in the owner's favor but has not ordered the eviction of the occupant(s), or the occupants have filed an appeal to a higher court thereby preventing their eviction. Notwithstanding this subsection, if there are violations assessed against the owner per the provisions of this Part which require suspension or revocation, a Rental Housing Permit shall not be reinstated until compliance with the requirements therefore have occurred.*
5. **Reinstatement of Rental Housing Permit.** ~~The rental unit involved shall not have its Rental Housing Permit reinstated until the applicable reinstatement fee is paid and the disruptive occupants have been evicted, the Housing Board of Appeals has ruled in the occupant's favor, the Housing Board of Appeals has ruled in the owner's favor but has not ordered the eviction of the occupant(s), or the occupants have filed an appeal to a higher court thereby preventing their eviction. Notwithstanding this subsection, if there are violations assessed against the owner per~~

~~the provisions of this Part which require suspension or revocation, a Rental Housing Permit shall not be reinstated until compliance with the requirements therefore have occurred.~~ ***Report Against All Occupants.*** *The content of the disruptive conduct report shall count against all occupants of the rental unit. The content of the disruptive conduct report shall not count against all occupants of the rental unit if the complaint is initiated by one of the rental unit occupants. More than one Disruptive Conduct Report filed against the occupants of a rental unit in a 24-hour period shall count as a single disruptive conduct report for the purpose of the preceding subsection.*

6. ~~**Report Against All Occupants.** The content of the disruptive conduct report shall count against all occupants of the rental unit. The content of the disruptive conduct report shall not count against all occupants of the rental unit if the complaint is initiated by one of the rental unit occupants. More than one Disruptive Conduct Report filed against the occupants of a rental unit in a 24-hour period shall count as a single disruptive conduct report for the purpose of the preceding subsection.~~ ***Maintenance of List of Disruptive Conduct Report Tenants and Occupants and Evicted Occupants.*** *The Codes Enforcement Office shall maintain a list of the names of all occupants and tenants against whom a Disruptive Conduct Report is issued as a result of this Part. The Property Maintenance Division shall also maintain a list of all occupants and tenants evicted as a result of this Part. The names shall remain on the list for a period of 5 years.*

7. ~~**Maintenance of List of Disruptive Conduct Report Tenants and Occupants and Evicted Occupants.** The Codes Enforcement Office shall maintain a list of the names of all occupants and tenants against whom a Disruptive Conduct Report is issued as a result of this Part. The Property Maintenance Division shall also maintain a list of all occupants and tenants evicted as a result of this Part. The names shall remain on the list for a period of 5 years.~~

8. ~~**Appeals.** Any person aggrieved by any decision of a police officer or public officer in regard to a Disruptive Conduct Report or the revocation of a Rental Housing Permit resulting therefrom may appeal to the Housing Board of Appeals. Such appeal must be filed with the appropriate fee with the Administrator of the Property Maintenance Division in writing, within 10 working days from the date of receipt of the disruptive conduct report or notice of revocation.~~

§11-122. Housing Board of Appeals.

1. **Appeals.** *The occupant and/or owner may appeal the contents of said Disruptive Conduct Report. Additionally, any person aggrieved by any decision of a police officer or public officer in regard to a disruptive conduct report or the suspension, nonrenewal, denial or revocation of a Rental Housing Permit may appeal. to the housing Board of Appeals. Such All* appeals must be filed, in writing, with the Administrator of the Property Maintenance Division, with the appropriate filing fee, *as per the City of Reading Fee Schedule*, within 10 working days from the date of receipt of the disruptive conduct report or notice of *suspension, nonrenewal, denial or revocation of a Rental Housing Permit.*

2. Organization.

A. **Membership.** The Housing Board of Appeals shall be a body of seven members consisting of: the Managing Director or his/her designee who shall serve as Chairperson; a Councilperson, Administrator of the Property Maintenance Division or their designee; the Chief of Police or his/her designee; an owner of a rental unit(s) in Reading; an

occupant of a rental unit residing in the City of Reading; and a member of a community group recognized by the City of Reading.

- B. **Alternates.** There shall be three alternate members: an owner, an occupant of a rental unit residing in the City of Reading and a member of a community group recognized by the City of Reading.
 - C. **Appointment.** All members of the Board shall be appointed by the Mayor with the advice and consent of the Council of the City of Reading, with the exception of the Council Member, who shall be appointed by the Council President.
 - D. **Term.** A member or alternate member shall serve a term of not more than 3 years from the time of appointment or reappointment or until his/her successor shall take office. Members and alternates of the initial board shall be appointed to staggered terms of 1, 2 and 3 years.
 - E. **Powers of Designee and Alternates.** Designees and alternate members may be requested to attend meetings in absence of a regular member and shall have all the powers of a regular member at such meetings.
 - F. **Oaths and Subpoenas.** The Board shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.
 - G. **Quorum and Majority Vote.** Four members shall constitute a quorum of the Board. A majority vote of the members of the quorum of the Board shall prevail. A tie vote shall be deemed as a denial of the appeal.
 - H. **Removal of Members.** Any member may be removed for misconduct or neglect of duty or for other just cause by a majority vote of Council taken after the member has received 15 days advance notice of the intent to take such vote. Failure of a member to attend three consecutive regular meetings of the Board will constitute grounds for immediate removal from the Board by City Council. Failure of a member to attend at least 50% of the regular meetings of the Board in a calendar year will constitute grounds for immediate removal from the Board by City Council. The Chairperson of the Board shall inform the City Clerk in writing when a member has failed to comply with this attendance policy. Following such notification, City Council may vote to remove the member and seek applicants to fill the vacant position.
3. **Powers.** The Board shall have the following powers:
- A. **Promulgate Rules and Regulations.** To adopt and administer the rules of procedure regarding its organization, officers (except the Chairperson), times and places of meetings, conduct of meetings and other legal procedures relating to the hearing and determination of appeals and other matters within the Board's jurisdiction.
 - B. **Hear and Decide Appeals.** To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the police officer or public officer in the enforcement of the provisions of this Part.
 - C. **Grant Modification or Variance.** To modify any notice of violation or order and to authorize a variance from the terms of this code when because of special circumstances,

undue hardship would result from literal enforcement, and where such variance substantially complies with the spirit and intent of the Code.

- D. **Grant Extension of Time.** To grant a reasonable extension of time for the compliance, as described in the City's Property Maintenance Code [Chapter 5, Part 6] and other applicable sections of the City of Reading Codified Ordinances of any order where there is a demonstrated case of hardship and evidence of bona fide intent to comply within a reasonable time period.
 - E. **Timeliness.** In exercising the above-mentioned powers, the Board shall act with reasonable promptness and seek to prevent unwarranted delays prejudicial to the party involved and to the public interest; provided, however, that the Board shall file its decision within 10 working days after the appeal hearing.
 - F. **Oaths and Subpoenas.** The Board shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by parties.
 - G. **Authority.** The Board may reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as justice would require, and, to that end, shall have all the powers of the police officer or public officer; provided, however, that the Housing Board of Appeals, in its determination, shall be bound by this Part and shall not ignore the clear provisions and intent of this Part.
- 4. **Effect of Appeals.** Any decision or order issued under, per and in accord with this Part, shall be held in abeyance upon the timely filing of an appeal thereof with the Housing Board of Appeals. Said abeyance shall include, but not be limited to, revocation, suspension, denial or nonrenewal of a Rental Housing Permit until the appeal is resolved. An appeal of the two disruptive conduct reports within a 12-month period shall stop the eviction proceedings against the occupants until the appeal is resolved, only if the eviction proceedings were a direct result of the second disruptive conduct report.
 - 5. **Enforcement upon Resolution of Appeal of Housing Board.** If this appeal is of a second disruptive conduct report and the decision of the police officer or public officer has been affirmed, within 10 working days and time for compliance as required by the decision of the Housing Board of Appeals, the public officer shall re-inspect to determine compliance as to whether the occupant has voluntarily moved from the premises or the owner has initiated eviction proceedings. If, when so required by a second disruptive conduct report, the occupant has not voluntarily moved or the owner has not initiated eviction proceedings, and for compliance as required by the decision of the Board has expired, the public officer shall institute revocation of the Rental Housing Permit pursuant to the provisions set forth in this Part.

§11-123. Appeal to Court of Common Pleas.

Any person, including the police officer or public officer for the City, aggrieved by any decision of the Housing Board of Appeals, may appeal to the Court of Common Pleas of Berks County. Such appeal shall be made by a duly verified petition in accord with the Pennsylvania Rules of Civil Procedure and shall set forth the factual and legal basis upon which the decision of the Board is alleged to be incorrect or illegal, in whole or in part. Said petition shall be filed with the Court of Common Pleas within 30 days after service of the decision. Notice of the appeal shall be

served upon all parties to the appeal before the Housing Board of Appeals, including the Board and City of Reading, at the time of its filing. An appeal to the Court of Common Pleas of a decision of the Housing Board of Appeals shall not hold automatically stay enforcement of the Board's decision.

§11-124. Share Information.

The City of Reading Property Maintenance Division is authorized to share any and all information obtained under this Code with the other Departments and Divisions of the City of Reading.

§11-125. Compliance with Other City of Reading Ordinances

Every owner of every dwelling, in addition to the provisions set forth herein, shall comply with the provisions (sections) of all other applicable City Ordinances including, but not limited to, the International/City of Reading Building Code [Chapter 5, Part 1B], Existing Building Code [Chapter 5, Part 1C], Plumbing Code [Chapter 5, Part 2], Mechanical Code [Chapter 5, Part 5], Electrical Code [Chapter 5, Part 4], Fire Code [Chapter 5, Part 3], and Residential Code [Chapter 5, Part 8], Property Maintenance Code [Chapter 5, Part 6], Solid Waste and Recycling Ordinance [Chapter 20, Part 1], Health Code [Chapter 10, Part 1], and Zoning Ordinances [Chapter 27].